

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6504 of 2018

Order:

Aggrieved by the order of the Trial Court allowing an application by a third party to implead herself in the final decree proceedings, the plaintiff in the suit for partition has come up with the above revision.

2. Heard Mr. K.Sai Mohan Rao, learned counsel for the petitioner.

3. The suit for partition resulted in a preliminary decree. Though a first appeal is pending, it appears that the final decree proceedings are simultaneously going on.

4. A person who is a third party to the family, but who claims to have purchased the plaint schedule property, after the preliminary decree from one of the family members, sought impleadment so that she could work out equities at the time of allotment of shares in the final decree proceedings. This application is allowed by the Trial Court forcing the petitioner to come up with the above revision.

5. What the Trial Court did was correct. If one of the parties to a suit for partition had sold the property, the purchaser, if he is a *bona fide* purchaser without notice, is entitled to claim equities at the time of final decree proceedings. Therefore, allowing of the application was proper and I see no reason to interfere with the said order. Hence,

the revision is dismissed. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

09th November, 2018.
Ak



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