

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP PD NO.157 of 2009 and

M.P.No.1 of 2009

Kuppusamy ... Petitioner /third party

Vs.

1. Saruvamalai

2. Palanisamy

... Respondents 1 and 2/
plaintiffs

3. Marappan s/o Ramasamy

4. Marappan s/o Karuppa Gounder

5. Sengoda Gounder

6. Subramani

7. Karuppiyah

8. Kandasamy (died)

... Respondents 3 to 8 /
defendants

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India against the order dated 24.04.2008 passed in I.A.No.1187 of 2007 in O.S.No.205 of 2000 by the District Munsif, Thiruchengode.

For Revision Petitioner : Mr. P.Jagadesan

For Respondents No.6 : Mr.P.Valliappan

For Respondent No.1 to 3
and 5 and 7 : No appearance

ORDER

This revision petition has been filed as against the orders passed by the trial court dismissing the application filed by the revision petitioner to implead him as one of the plaintiffs in the suit.

2. The revision petitioner is the third party in the original suit and the suit has been filed by the plaintiffs for partition and injunction. The impleading petition has been filed on the ground that the revision petitioner had purchased 1/6th share of the suit property from the plaintiffs 1 and 2 through their power of attorney and hence he should be impleaded as plaintiff in the suit. The trial court dismissed the application, against which, this revision has been filed.

3. Admittedly, the suit has been filed for partition among the co-owners. The revision petitioner subsequently purchased certain shares of the property from one of the co-owners, during the pendency of the suit. Of course, there is no bar under law for such transfer of share in respect of the co-sharer. Merely on such purchase, the petitioner cannot come on record as one of the plaintiffs, stepping into the shoes of co-owner and accordingly what all the rights that accrue to him through his co-owner, he can work

out the same from the above sharer in the final decree proceedings. Hence, I do not find any illegality or infirmity in the orders passed by the trial court and hence, the same does not warrant any interference by this court.

4. In the result,

(i) The civil revision petition is dismissed. No costs.

The connected civil miscellaneous petition is closed.

(ii) The order of the trial court is confirmed.

07.03.2019

Index : Yes / No
Internet : Yes / No
speaking/non speaking
mst

To
The District Munsif, Thiruchengode.

WEB COPY

N.SATHISHKUMAR, J.
mst



CRP PD No.157 of 2009 and
M.P.No.1 of 2009

WEB COPY

07.03.2019