

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD) No.3518 of 2010 &

M.P.No.1 of 2010

1. Mr.K.Muthusamy (died)
2. Mrs.M.Nagarathinam
3. Mr.Arumurugan
4. Mr.Sakthiprabhu

(Petitioners 2 to 4 are impleaded as the LR's of the deceased sole petitioner viz., K.Muthusamy vide Court Order dated 19.09.2018 made in CMP.No.16987 to 16989 of 2018 in CRP.No. 2518 of 2010 (PTAJ)

.. Petitioners

Vs.

1. Mr.S.K.Vignaraj
2. Mr.S.Elango
3. Mrs.S.Santhi
4. Mrs.Geetha
5. Mrs.Jayanthi
6. The Joint Sub Registrar I
O/o.Joint Sub Registrar,
Cheyyar Town,
Thiruvannamalai Distirct.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the decree and Order passed in I.A.No.173 of 2009 in O.S.No.103 of 2002 dated 10.08.2010 dated 10.08.2010 On the file of the Sub Court, Bhavani, Erode District and set aside the same.

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.Raja Shrinivas – R1

No appearance – R2

ORDER

This revision has been filed as against the Order of the trial Court allowing the application filed for impleading the fourth respondent, who is a subsequent purchaser of the suit property.

2. The suit has been originally filed for recovery of money on the basis of the advance amount said to have been paid by the plaintiff to the defendants 1 and 2. Thereafter, since the property has already been encumbered and the agreement cannot be enforced, suit has been filed for recovery of money. Pending suit, he had also filed an application to implead the subsequent purchaser of the suit property. The above application has been allowed by the trial Court. As against which, the present revision has been filed.

3. Admittedly, the proposed party is the subsequent purchaser of the suit property. That being so, mere impleading him as a respondent in the suit will not cause any prejudice to the revision petitioner. Since, he is the subsequent purchaser of the suit property, the revision petitioner can very well plead his

defence and establish before the trial Court in the suit. Therefore, this Court do not find any infirmity or illegality in the Order passed by the trial Court.

3. Accordingly, this Civil Revision Petition is dismissed and the Order of the trial Court is confirmed. The trial Court shall dispose of the suit in O.S.No.103 of 2002 within a period of 6 months from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed. No cost.

27.02.2019

vrc

To

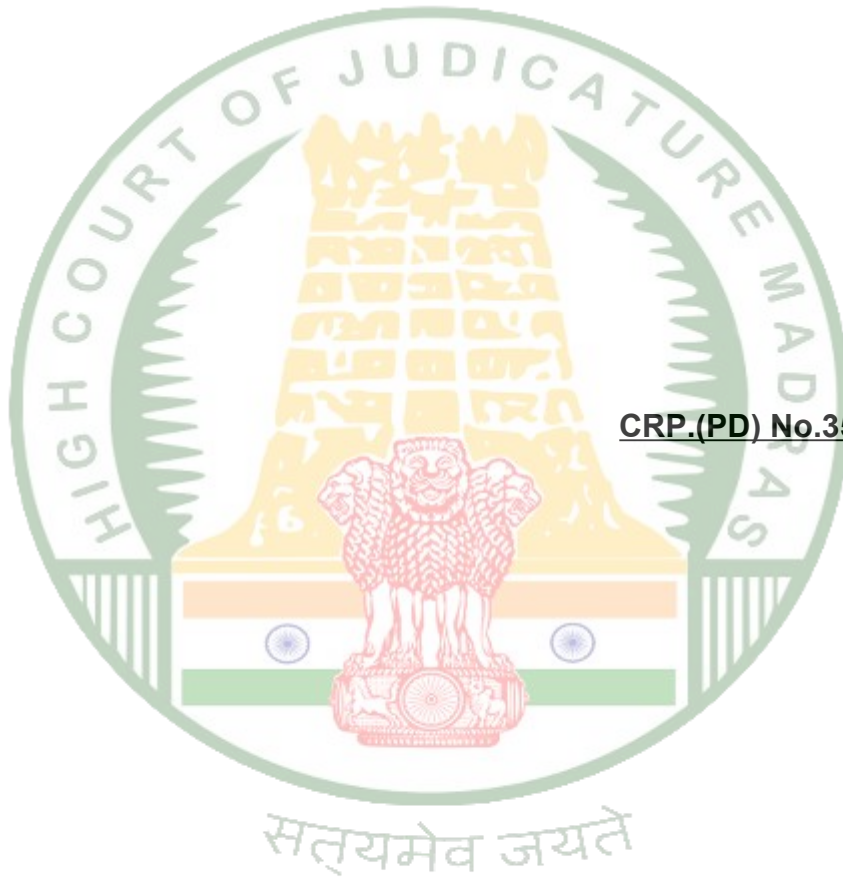
The Subordinate Judge,
Bhavani, Erode District.



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N.SATHISH KUMAR, J.

vrc



CRP.(PD) No.3518 of 2010

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