

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.4097 of 2010 &

M.P.No.1 of 2010

Mr.Delmar Ranganathan

.. Petitioner

Vs.

1. Mr.Delmar Veeran

2. Mr.Delmar Veerappan

3. Mr/Delmare Velmurugan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and Decreetal Order dated 15.07.2010 made in I.A.No.563 of 2009 in O.S.No.7 of 2009 on the file of the II Additional District Court, Puducherry.

For Petitioner : Ms.K.Nisha

For Respondents : Mr.M.V.Venkataseshan – R3

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ORDER

This revision has been filed as against the Order of the trial Court allowing the application filed for impleading the proposed parties as second and

third defendants in the suit.

2. The suit has been originally filed for partition as against the first defendant alone claiming that he is the only brother. Whereas, it is the specific contention of the defendant in the written statement they have yet another brother and he is no more and his two sons are available. At this stage an application has been filed by the defendant to implead the proposed parties as the legal heirs of their another brother Velmurugan.

3. The main defence of the revision petitioner before the Court is that since he had obtained an award in the lok adalat to the effect that he is the only legal heir, others need not be impleaded. However, the trial Court has allowed the application considering the fact that the suit has been filed for partition and all the legal heirs are necessary for the suit.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. The only contention of the revision petitioner is that he had obtained declaration in the lok adalat that he is the only legal heir and therefore, others need not be impleaded. This Court is not able to understand how there can be

such a declaration in the lok adalat. Therefore, I am of the view that when the other legal heirs are to be brought on record in a suit for partition and the application filed to implead such legal heirs has been allowed by the trial Court, the same does not require any interference, since all the parties are necessary parties to decide the issue involved in a suit filed for partition.

6. 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.73 of 2009 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

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To

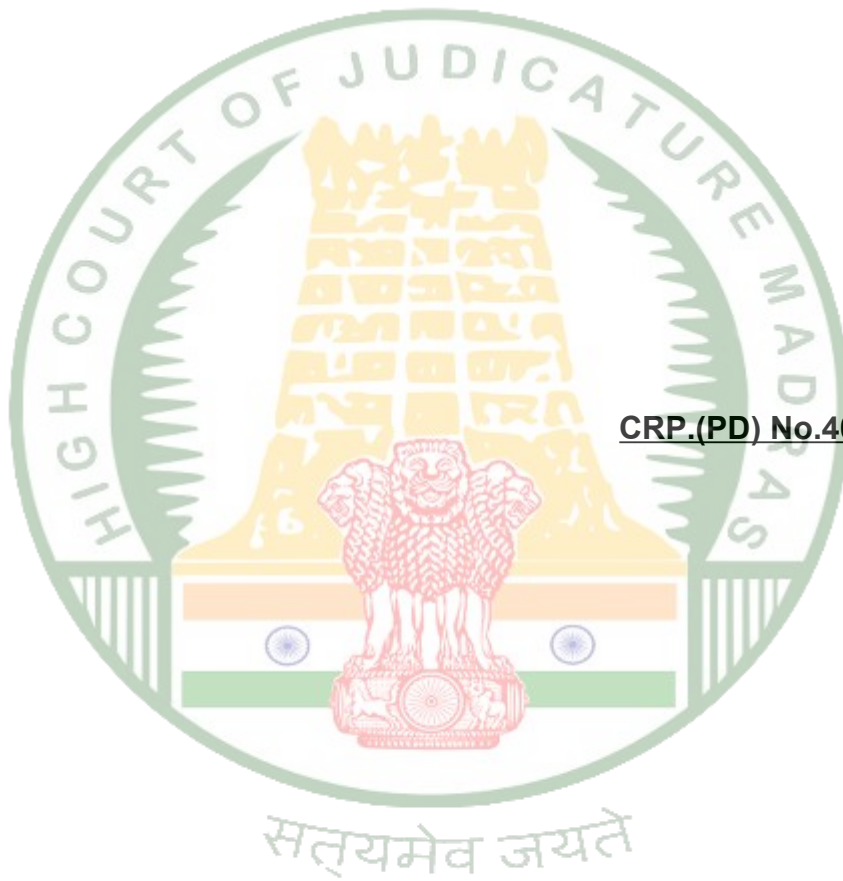
The Subordinate Judge,
Bhavani, Erode District.

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N.SATHISH KUMAR, J.

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