

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD) No.964 of 2019 &

C.M.P.No.6374 of 2019

1. Ms.N.Bakiyalakhmi
2. Ms.N.Pratheeba

.. petitioners

Vs.

1. Mrs.S.K.Kannammal
Kavundey Gounder (died)
2. Mrs.Subbathal
3. Mr.Natarajan
4. Mrs.Nagarathinam @ Nagamani

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and Order dated 10.07.2018 made in I.A.SR.No.14945 of 2018 in I.A.No.1020 of 2017 in O.S.No.312 of 2016 on the file of the I Additional District Munsif Court, Coimbatore.

For petitioners : Mr.S.Mukunth
for M/s.Sarvabhauman Associates

For Respondents : Mr.M.Rajasekar - R1

ORDER

This revision has been filed against the Order of the trial Court rejecting the application filed by the petitioners to implead themselves in the final decree proceedings. The above application has been rejected in the SR stage itself, against which the present revision has been filed.

2. Mr.M.Rajasekar, takes notice for the first respondent. Heard the learned counsel for the revision petitioner and the first respondent.

3. The suit has been originally filed for partition by the plaintiff in O.S.No.312 of 2006 wherein a preliminary decree has been passed. In pursuant to the same, an application for final decree is also pending. In the final decree the present revision petitioners have filed an application to implead themselves as one of the parties since the third respondent in the final proceedings has transferred his property in favour of the revision petitioners by way of settlement. However, the trial Court has rejected the application in SR stage itself.

4. It is also brought to the notice of this Court that the respondents have preferred an appeal in A.S.No.48 of 2018 before the Additional Subordinate Judge Coimbatore. Hence, I am of the view that the trial Court rejecting the application even without giving any opportunity at the SR stage itself is not

correct.

5. Accordingly, this Civil Revision Petition is allowed and the Order of the trial Court is set aside and the trial Court shall entertain the above application and decide the application on merits. Similarly, the Additional Subordinate Judge, Coimbatore is directed to dispose of the appeal in A.S.No.48 of 2018 within a period of three months from the date of receipt of a copy of this Order. The trial Court shall proceed further in the final decree proceedings and wait for passing of the final decree and till the outcome of the appeal. Consequently, the connected miscellaneous petition is closed. No cost.

14.03.2019

vrc

To

1. The I Additional District Munsif,
Coimbatore.
2. The Additional Subordinate Judge,
Coimbatore.

सत्यमेव जयते
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N.SATHISH KUMAR, J.

vrc



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