

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.07.2019

PRONOUNCED ON : 25.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P (PD).No. 1597 of 2015

and

M.P.No. 1 of 2015

Madhesh

.. Petitioner

vs

1.Ashokan
2.Maheswari
3.Jayavel
4.Indira
5.Bakiam (Deceased)

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.06.2014 passed in I.A.No.101 of 2014 in O.S.No.201 of 2007 on the file of the District Munsif Court, Dharmapuri.

For Petitioner : Mr.J.Deliban

For Respondents : No appearance

ORDER

The present Civil Revision Petition is directed against impugned fair and decreetal order dated 12.06.2014 passed by the District Munsif, Dharmapuri in I.A.No. 101 of 2014 in O.S.No. 201 of 2007.

2. By the impugned order the District Munif, Dharmapuri has allowed impleading of the first respondent as second plaintiff in the above suit filed by the second respondent. The first respondent is a third party purchaser of the Suit Schedule Property from the second respondent during the pendency of the present suit.

3. The second respondent had filed the above suit for a declaration to the title Suit Schedule Property which was allegedly settled by the second respondent's husband Raja in her favour on 16.03.2007. According to the petitioner he is in possession of the property and the second respondent's husband Raja had entered into sale agreement, pursuant to which the petitioner has filed O.S.No. 103 of 2008 for specific performance.

4. According to the petitioner, the first respondent is a lis-pendens

purchaser of the Suit Schedule Property and therefore he cannot be impleaded as the second plaintiff. According to the petitioner, the first respondent was impleaded as the defendant in the suit for specific performance in O.S.No. 103 of 2008 and therefore the attempt of the first respondent to get himself impleaded as the plaintiff was only with a view to drag on the proceedings.

5. The petitioner's grievance appears to be not bonafide and is intended to delay the conclusion of the proceedings before the District Munsif, Dharmapuri in O.S.No 201 of 2007.

6. The fact that the first respondent has been impleaded as the second respondent by itself does not mean that the suit filed by the second respondent would be decreed as prayed for. In any event, as per the submission of the petitioner, he has already filed O.S.No. 103 of 2008 for specific performance wherein the first respondent has been impleaded as defendant. Therefore I do not see any merits in the present Civil Revision Petition. Consequently, I am of the view that the present Civil Revision Petition is liable to be dismissed.

7. It is noticed that the suit is of year 2007 and 12 years of lapsed on

C.SARAVANAN,J.

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account of several developments. Be that as it may, the learned District Munsif, Dharmapuri is directed to take up the case and proceed to pass a judgement and decree in O.S.No 201 of 2007 within a period of six months from date of communication of this order.

8. The Civil Revision Petition stands dismissed with the above observations. No cost. Consequently, the connected Miscellaneous Petition is also closed.

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Index : Yes/No

Internet : Yes/No

To

The District Munsif Court,
Dharmapuri.

Pre-delivery order made in
C.R.P (PD).No. 1597 of 2015 and
M.P.No. 1 of 2015