

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.2980 of 2013 and
M.P.No.1 of 2013

Chakrapani Kounder ... Petitioner

v.

Shanmugha Kounder (died)

1. Chellammal
2. Annammal
3. Yashodhai
4. Kanniyappan
5. Elumalai
6. Ramayee
7. Saradha
8. Palani
9. Poorani
10. Valli
11. Aiyappan
12. Uma
13. Ganesan

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decree dated 06.06.2013 made in I.A.No.91 of 2012 in A.S.No.5 of 2011 on the file of the Principal District Judge, Villupuram.

For Petitioner : Mr. G. Rajan
For Respondents : Mrs. Kavitha Balakrishnan – for R1 to R4
No Appearance – for R5, R6 & R9 to R11
R7, R8 & R12 – Not Ready in Notice
R13 – Died

ORDER

Challenging the order passed in I.A.No.91 of 2012 in A.S.No.5 of 2011 on the file of the Principal District Judge, Villupuram, the 2nd defendant in O.S.No.165 of 2008 on the file of the Principal Subordinate Court, Villupuram, has filed the above Civil Revision Petition.

WEB COPY

2. The plaintiffs filed the suit in O.S.No.165 of 2008 for partition and for other reliefs. The Trial Court, dismissed the suit.

3. Against which, the defendants preferred an appeal in A.S.No.5 of 2011 on the file of the Principal District Court, Villupuram. In the said appeal, the plaintiff filed an application in I.A.No.91 of 2012 to implead the proposed parties as the respondents 3 to 10. The defendants filed their counter and contested the application.

4. The Lower Appellate Court, taking into consideration the case of both the parties and also finding that the proposed parties are necessary parties, allowed the application. Against which, the 2nd defendant has filed the above Civil Revision Petition.

5. On a careful consideration of the order passed by the Lower Appellate court, it could be seen that the Lower Appellate Court has categorically found that the proposed parties are proper and necessary parties for proper adjudication of the suit for partition. The Lower Appellate Court, while allowing the application for impleading, has given categorical finding. The reasoning given by the Lower Appellate Court are just and proper.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2019

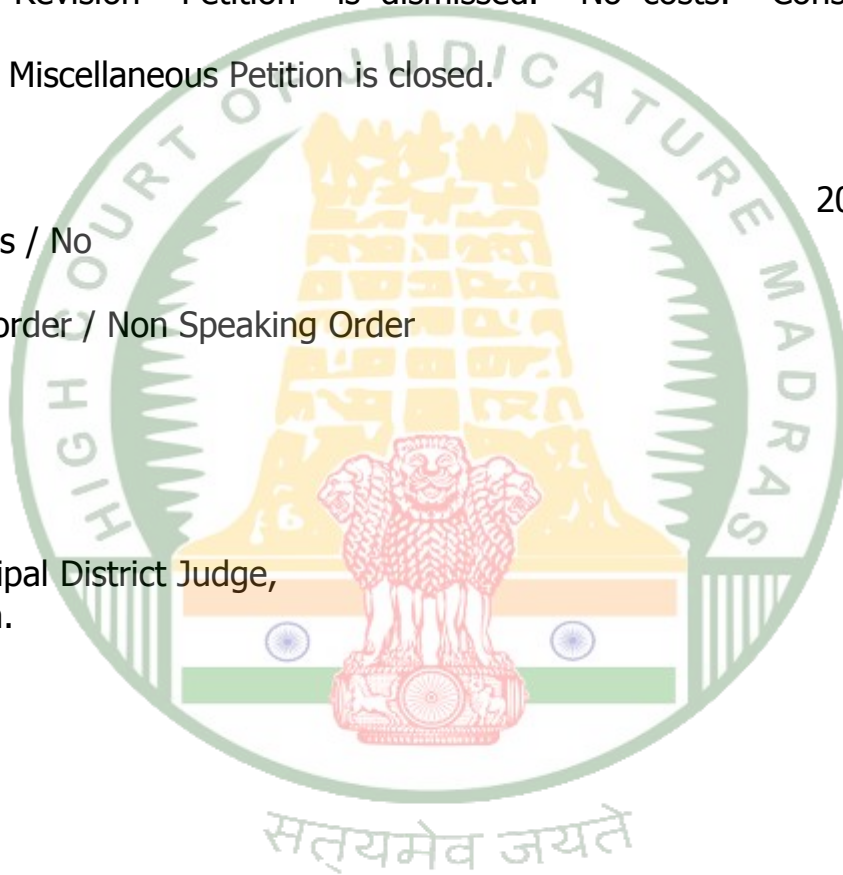
Index : Yes / No

Speaking order / Non Speaking Order

Rj

To

The Principal District Judge,
Villupuram.



WEB COPY

C.R.P.(NPD).No.2980 of 2013

M.DURAIWAMY, J.

Rj



C.R.P.(NPD)No.2980 of 2013 and
M.P.No.1 of 2013

WEB COPY

20.09.2019