

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No.1499 of 2019

and

C.M.P.No.9804 of 2019

1.M.Murugan
2.Minor M.M.Niret Shrivatsav (aged 7 Yrs) by
Next Friend father (1st Petitioner) ..Petitioners/Plaintiffs

Vs

1.Venkataraman
2.M.Sathianarayanan
3.Kumar @ Lakshmanakumar
4.Umarani
5.Venketesh
6.V.Saravanan
7.S.Mukunthan
8.Kasthuriammal
9.Logamatha
10.Shanthi ..Respondents1-10/Defendants3-9,12-14

11.The Post Master,
Shevapet Bazaar,
Salem – 636 002.

12.The Asst. Post Master,
Narasimha Cheti Road,
Salem – 636 002.

13.The Superintendent of Post Officers,
Opposite of Old Bus Stand,
Salem – 636 001.

14.The Branch Manager,
Karur Vysya Bank Ltd.,
Salem – 2.

15.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Salem – 636 002.

16.The Branch Manager,
Indian Bank, Shevapet,
salem – 636 002.

...Respondents11-16/Proposed parties

17.Rani

18.Selvam

19.Ranganathan

..Respondents17-19/LR's of the 10th Respondent

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 05.12.2018, passed by the learned I Additional Subordinate Judge of Salem in I.A.No. 10 of 2018 in O.S.No. 547 of 1998, to allow the same and further direct the respondents herein to pay costs to the petitioners herein.

For Petitioners : Mr.K.Ramanraj

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned First Additional Subordinate Judge, Salem, dismissing the application filed by the plaintiff in I.A.No.10 of 2018 in O.S.No.547 of 1998, seeking to implead proposed parties 15 to 20 as parties to the proceedings with costs.

2 The suit in O.S.No. 547 of 1998, had been filed by the revision petitioner for a partition and separate possession of the suit properties, which not only includes immovable property but also jewelery, fixed deposits etc. Defendants 1,2,4,6 and 8 have filed their written statement and the second defendant has filed additional written statement and when the matter was posted for trial, the application, which is the subject matter of the revision has been filed. The reason for filing the above petition is on the ground that after the death of Maniammal @ Manickem, he has issued a notice to the defendants 16 to 18 asking them to furnish the amounts lying to the credit of late Maniammal @ Manickem, to which there was no response and therefore, they have to be impleaded as necessary parties to the suit for a final adjudication. Maniammal @ Manickem was the 11th defendant in the suit and they had also reserved their right to file an amendment as and when the defendants/proposed parties 15 to 20, to provide the necessary information. The learned Additional Subordinate Judge, Salem, dismissed the said application stating that proposed parties were neither necessary nor proper parties and that the same is nothing but a dilatory tactics and imposed cost of Rs.5,000/-, on the petitioner.

3 This Court does not find any infirmity in the order passed by the learned Judge. However, the order directing the

P.T.ASHA, J.

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payment of cost alone is set aside and in other aspects the order passed by the learned First Additional Subordinate Judge, Salem in I.A.No.10 of 2018 in O.S.No.547 of 1998, remains confirmed.

4 In the result, the Civil Revision Petition stands partly allowed. No costs. Consequently, connected miscellaneous petition is also closed.

22.04.2019

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Index: Yes/No
 Internet: Yes/No
 Speaking order / Non-speaking order

To

The I Additional Subordinate Judge,
 Salem.

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