

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2019

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

CRP(PD).No.126 of 2016

and

CMP.No.680 of 2016

1.C.V.Venkataramanappa

2.V.Shanthamma

..Petitioners/Proposed parties

Vs

1.Amruthamma

2.Arunamma

..Respondents 1 & 2/Plaintiffs

3.Narayanamma

4.Jyothiamma

5.Yoginarayana

6.Srinivasan

7.Malathi

..Respondents3 to 7/Defendants

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the orders of the learned Additional District and Sessions Judge of Hosur, dated 18.08.2015 in I.A.No.153 of 2014 in O.S.No.62 of 2013.

For Petitioner : Mr.V.Karthikeyan

For R1 & R2 : No appearance

For R5 & R7 : Mr.C.Samivel

For R3,R4 & R6 : Not ready in notice

ORDER

The above Civil Revision Petition is filed challenging the order of dismissal, passed by the learned Additional District and Sessions Judge, Hosur, in I.A.No.153 of 2014 in O.S.No. 62 of 2013, wherein the learned Judge has dismissed the application filed by the

revision petitioners to implead themselves as defendants in Suit O.S.No. 62 of 2013 pending on the file of the learned Judge.

2 The impugned petition had been filed by the petitioners on the ground that there were two other suits which were filed in respect of the very same properties and the parties to these proceedings are also parties in O.S.No.134 of 2001 and O.S.No. 58 of 2003 and two other suits in O.S.No. 216 of 2010 and 198 of 2010. The proposed parties had contended that there was a registered partition on 09.11.1977 and that all the parties were in enjoyment of the respective shares in the other suits and the proposed parties should be arrayed as defendants. The very partition deed dated 09.11.1977, has been called into question. The above suits and the present suits are more or less directly and substantially the same and therefore, the proposed parties would have an interest in the proceedings and they ought to have been made parties to the proceedings. In fact the court below ought to have clubbed all the suits and proceed with common trial in order to avoid multiplicity of conflicting judgments being passed in the above matters.

3 In view of the above, I am of the considered opinion that the order of the learned District and sessions Judge in dismissing the application to implead the proposed parties/revision

petitioners herein is erroneous and is liable to be set aside.

4 In the result the Civil Revision Petition is allowed and the revision petitioners are impleaded as defendants 6 and 7 in the suit in O.S.No. 62 of 2013, now pending on the file of the Additional District and Sessions Judge Hosur. No costs. Consequently, connected miscellaneous petition is also closed.

01.03.2019

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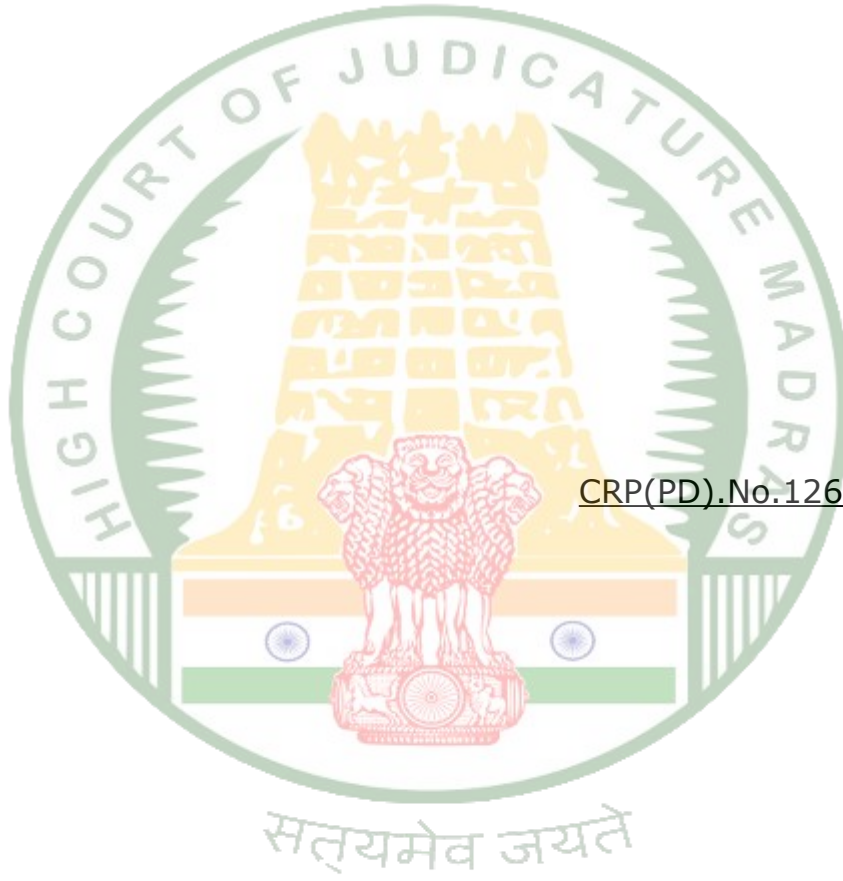
Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To

The learned Additional District and Sessions Judge
Hosur.

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P.T.ASHA, J.
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