

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP. No.1971 of 2019 &
CMP.No.12844 of 2019**

Ranga Naicker

.. Petitioner

-VS-

1. Ramasamy @ Sadasivam
2. M.P. Ramasamy
3. The Sub Registrar,
O/o.The Sub Registrar,
Bargur Road,
Anthiyur and Taluk,
Erode District.
4. K.Mallika
5. K. Kalaiselvan
6. R.Nagalakshmi
7. The Village Administrative Officer,
Moongilpatti Village,
Anthiyur Taluk,
Erode District.
8. The Revenue Inspector,
Moongilpatti &
Kuppandampalayam Village,
Anthiyur Taluk,
Erode District.
9. The Joint Director,
DDTPC,
Door No.6, Subramaniya Nagar,
Suramangalam,
Salem Town

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 13.3.2019 made in I.A.No.407 of 2017 in O.S.No.270 of 2016 on the file of the learned First Additional District Munsif Court, Bhavani.

For Petitioner : Mr. N. Manoharan

For Respondents : Mr. S.Lakshmanasamy

ORDER

The petitioner filed a suit in O.S.No.270 of 2016 for the following reliefs;

(a) to divide the property by metes and bounds based on the sale deed dated 24.5.2002;

(b) for declaration of title that the suit property belongs to plaintiff alone as per sale deed dated 24.5.2002 and;

(c) for injunction restraining the respondents 1 and 2 from alienating the property to any third parties by creating any encumbrance thereof at the office of 3rd respondent Sub Registrar Office.

2. In that suit, the petitioner filed I.A.No.407 of 2017 seeking to implead the respondents 4 to 9 herein as parties to the suit and the same was dismissed by the trial Court holding that the subject property of the suit is situate at R.S.No.36/5, whereas the proposed parties sought to be impleaded have purchased the property at R.S.No.37/4, hence they were unnecessary parties to the suit, thereby dismissed the petition.

3. The subsequent purchasers, the respondent/defendant produced the sale deeds as Ex.D1, a perusal of which, reveals that the property purchased falls under Survey No.37/4, whereas the suit property situate in Survey No.36/5. Prima facies it is seen that the properties are having different survey numbers. When the properties are different, the purchasers of a different property from the defendants are not necessary parties to the suit.

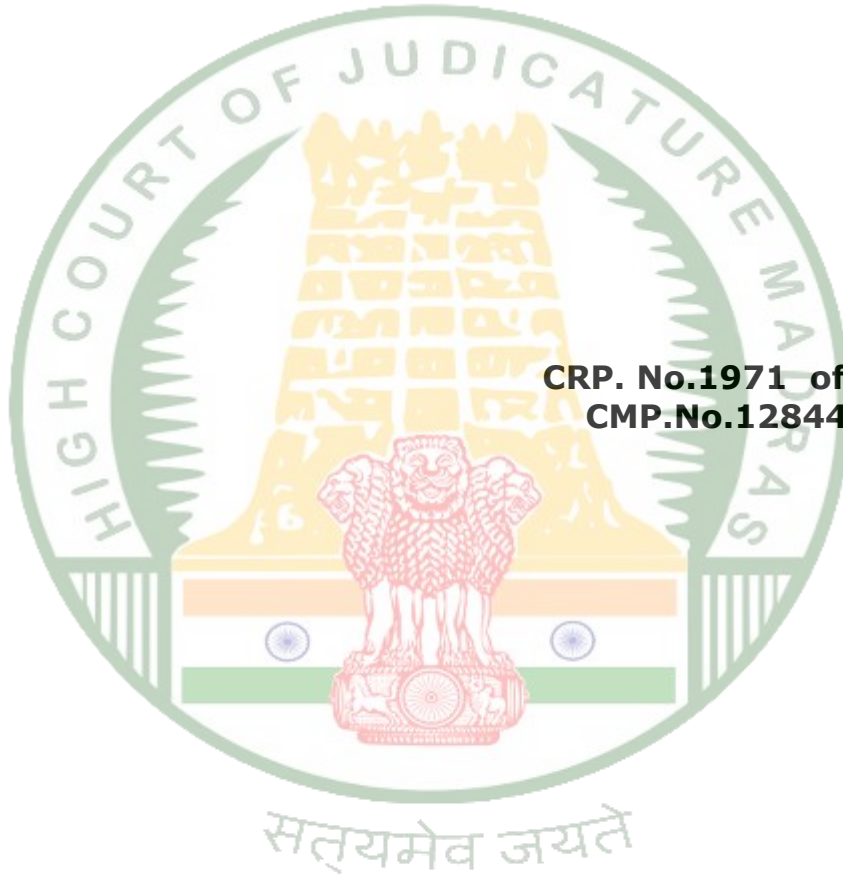
4. Therefore, this Court is of the view that the proposed parties are not proper parties or necessary parties to the suit. Considering the same in proper perspective, the trial court has rightly dismissed the petition for impleading them as party respondents. Hence, I do not find any reason to interfere with the order passed by the trial court. The petitioner has not made out any case to implead them as parties. It is open to the petitioner to file a fresh petition, if he comes out with any document by which the respondent dealt with his property in S.No.36/5. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, the connected CMP.No.12844 of 2019 is closed.

08.07.2019

msr
Index:Yes/No
Internet:Yes/No
speaking order/non-speaking order

M. GOVINDARAJ, J.

msr



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