



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD)No.2343 of 2011

and

M.P. (MD) No.1 of 2011

Sivasubramanian

... Petitioner

Vs.

1.Kartheeswari

2.Sairam

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order in I.A.No.18 of 2011 in O.S.No.57 of 2010 dated 02.08.2011 on the file of Sub Court, Kovilpatti.

For Petitioner : Mr.P.T.Ramesh Raja

For R-1 : Mr.B.Rajesh Saravanan

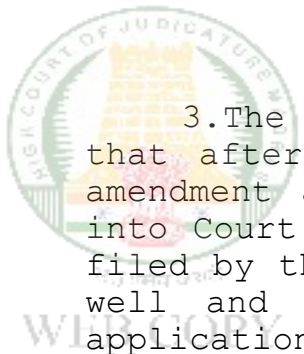
For R-2 : No appearance

ORDER

The above civil revision petition has been filed challenging the order allowing the application filed by the first respondent to implead herself as a party to the suit for specific performance filed by the revision petitioner herein.

2,The facts in brief, without traversing details, are as follows:-

The revision petitioner/plaintiff had entered into an agreement of sale on 25.10.2008 with the second respondent herein for the purchase of the suit property. Since the second respondent was not coming forward to execute the sale, the revision petitioner had filed the suit in O.S.No.57 of 2010 on the file of the Sub Court, Kovilpatti for specific performance. It appears that the said property was sold by the second respondent to the first respondent under a registered sale deed dated 05.02.2010. The suit in O.S.No.57 of 2010 has been filed by the revision petitioner on the file of the Sub Court, Kovilpatti, after this sale. Considering the fact that the suit property had been purchased by the first respondent, she had moved the application to implead herself. The said application was allowed by the trial Court. Challenging the same, the revision petitioner is before this Court.



3.The learned counsel for the first respondent would submit that after amendment the revision petitioner had carried out the amendment and the amended copy of the plaint has also been filed into Court. It also appears that a suit for declaration has been filed by the first respondent impleading the revision petitioner as well and thereafter, the revision petitioner has taken out an application for joint trial of both the suits, in which application simultaneous trial has been ordered.

4.Considering the said facts, I do not see any infirmity in the impugned order. Hence, this Civil Revision Petition stands dismissed. However, the suit is filed as early as in the year 2010. Therefore, the learned Subordinate Judge, Kovilpatti, is directed to dispose of the suit in O.S.No.57 of 2010 along with connected suit on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

To

The Sub Court, Kovilpatti.

Copy to:
The Section Officer,
VR Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai

+1 CC to Mr.P.T.RAMESH RAJA, Advocate (SR-88749[F] dated 24/09/2019)

+1 CC to Mr.B.RAJESH SARAVANAN, Advocate (SR-88951[F] dated 24/09/2019)

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