

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 126 of 2020
and
C.M.P. 746 of 2020

V.Arumugam

... Petitioner

Versus

1. C.Mohan
2. M.Savithiri
3. M.Kuppusamy
4. V.Deivanayagi
5. V.Munusamy
6. V.Tamilselvi
7. V.Ravichandran
8. V.Palaniappan
9. V.Lakshmi

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order of learned District Munsif Court, Palacode dated 02.07.2018 made in I.A. 1109 of 2017 in O.S. 119 of 2008.

For Petitioner : Mr.S.Saravanakumar

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's application filed under Order 1 Rule 10 of C.P.C. to implead respondents 4 to 9 as party defendants in the suit.

2. The petitioner is the plaintiff, and he has filed a suit for declaration to declare the 'B' schedule property is his exclusive property, and also for measne property. The suit has been filed in the year 2008. When the suit is posted for trial, and after the examination of plaintiff's evidence, the present application has been filed to implead the respondents 4 to 9 as party defendants in the Suit. That application came to be dismissed by the Trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard the submissions made by learned counsel appearing for petitioner and perused the materials available on record carefully.

4. The petitioner has filed a suit for declaration, on the ground that, the suit schedule property originally a joint family property, and in a oral partition, the properties were allotted to the petitioner. Now, the defendants 1 to 3 claiming title over the suit property, and hence, the suit has been filed. The trial has commenced in the year 2017, and after commencement of trial, the present application has been filed stating that, even though the property has been allotted in a oral partition, the other co-sharers have to be impleaded as party defendants in the suit. That application has been filed after 9 ½ years, that too after the commencement of the trial, only to drag on the proceedings. The Trial Court has held that, none of the proposed parties are disputing the oral partition. In the said circumstances, there is no necessity to implead them as party defendants in the suit. The Trial Court has rightly dismissed the petitioner's application. I find no illegality or irregularity in the order passed by the court

below, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

22.01.2020

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

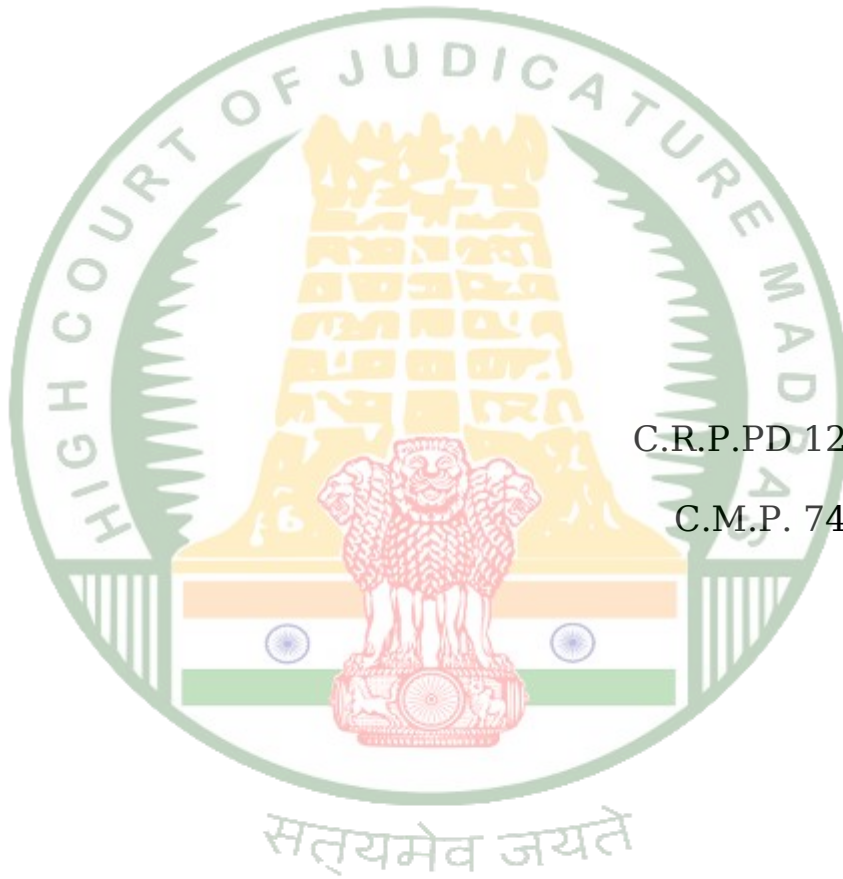
District Munsif cum Judicial Magistrate,
Palacode.



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V.BHARATHIDASAN,J.

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