

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD). No.120 of 2018
and CMP No.659 of 2018

C.Sekar

.. Petitioner

Vs.

Subramani (deceased)

1. Thirupuram
2. Rathinambal
3. Puttiyappam
4. Amudhan
5. Akila
6. Panchanathan
7. Chitra
8. Vasudevan
9. Govindammal
10. Prasanth
11. Praveen Kumar

.. Respondents

PRAYER: PRAYER: Civil Revision Petition filed under Section 115 of the

Code of Civil Procedure, praying to set aside the fair and decreetal order of the trial Court made in I.A.No.156 of 2014 in O.S.No.202 of 1998 on the file of Sub Court, Maduranthagam dated 27.03.2017.

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.P.Gopiraja

ORDER

This matter is taken up for hearing through Video-Conferencing.

The plaintiff in OS No.202 of 1998 has come up with this Civil Revision Petition. Challenging an order dismissing his application in IA No.156 of 2014 filed under Order 22 Rule 4 seeking impleading of the legal representatives of the judgment debtor in the suit.

2. The suit was filed for specific performance of an agreement of sale. A decree came to be passed on 30.06.2000. Pursuant to the decree, the Executing Court executed a Sale Deed in favour of the petitioner on 28.12.2005. It is also stated that the petitioner has been put in possession of

the property even under the agreement. Claiming that the legal representatives of the judgment debtor are attempting to interfere with his possession on the ground that there is a mistake in the survey number in the plaint as well as the Sale deed, the petitioner came up with the present Application to implead the legal representatives of the deceased of the judgment debtor as defendants in the suit to enable him to seek the amendment of the decree.

3. The learned Trial Judge by the order impugned in this Revision dismissed the said application on the ground that there is no proceeding pending in order to implead the legal representatives.

4. I have heard Mr.A.Kumanaraja, learned counsel appearing for the petitioner and Mr.P.Gopiraja, learned counsel appearing for the respondents.

5. I am unable to fault the Trial Court for having dismissed the application. Even according to the petitioner, the suit was decreed as early

as on 30.06.2000 and execution proceedings have also been terminated. If the petitioner has got any grievance he has to work out the same against the legal representatives as per law. He cannot seek impleading of the legal representatives in the suit. Therefore, the learned Trial Judge was justified in dismissing the application. Hence the Civil Revision Petition is dismissed.

6. It is open to the petitioner to take such appropriate proceeding as may be available to him under law to have the survey number corrected by applying to the Court under Section 152 of the Code of the Civil Procedure. Preserving that liberty, the Civil Revision Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

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Index:No

Internet:Yes

Speaking Order

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To

1. The Sub Court,
Maduranthagam.
2. The Section Officer,
V.R.Section, High Court of Madras.



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R.SUBRAMANIAN, J.

jv



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