

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD).No.2770 of 2013
and
M.P.No.1 of 2013

1.Selvi
2.Durai Murugan
3.Pushpa
... Petitioners/
Defendants 1 – 3

Vs.
1.Kullammal
2.Banumathi
3.Velu
4.N.R.Dhanraj
5.The Sub Registrar,
Kadaladi, Polur Taluk,
Thiruvannamalai District.
... Respondents 1 & 2/
Plaintiffs
... Respondents 3, 4 & 5/
Defendants 4, 5 & 6

6.Vediyappan
7.Ellammal
8.Malliga
9.Jaya
10.Kasthuri
11.Kullammal
12.Settu
13.Dhanusu
14.Mani

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15.Jayanthi

... Respondents 6-15/
Proposed defendants

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order of the District Munsif Court, Polur, Thiruvannamalai District, in I.A.No.1022 of 2011 in O.S.No.440 of 2010, dated 18.09.2012.

For Petitioners : Mr.S.Gunaseelan

For R1 to R3,
R7 to R9 : Mr.R.Karthikeyan

For R5 : Mr.T.M.Pappaiah
Special Government Pleader

For R4, R6,
R10 – R15 : No appearance

ORDER

This Civil Revision Petition has been filed against the order passed by the learned District Munsif, Polur, Thiruvannamalai, in I.A.No.1022 of 2011 in O.S.No.440 of 2010, dated 18.09.2012.

2 The defendant 1 to 3 in the suit O.S.No.440 of 2010 are the revision petitioners herein.

3 The brief facts of the case are as follows:

(i) The respondents 1 & 2 herein have filed a suit in

O.S.No.440 of 2010, for partition and separate possession of the suit properties and for permanent injunction against the defendants in the suit. The defendants in the said suit have filed their written statement and issues were framed and the trial was commenced.

(ii) During the course of trial, on behalf of the plaintiffs, PW1 was examined and documents were marked, when DW1 is in the witness box.

(iii) Thereafter, the plaintiffs have filed an application in I.A.No.1022 of 2011, before the learned District Munsif, Polur, Tiruvannamalai, to implead respondents 7 to 16 in the said I.A., as defendants 7 to 16 in the suit O.S.No.440 of 2010. Taking into consideration the nature of the case, IA was allowed. Aggrieved against the said order, the revision petitioners have preferred this Civil Revision Petition before this Court.

4 Heard the learned counsel for the petitioners and the learned counsel for the respondents 1 to 3, 5, & 7 to 9.

5 Mr.T.M.Pappaiah, learned Government Pleader has taken notice on behalf of the fifth respondent stated that official

respondent will abide by the orders of the Court.

6 The learned counsel for the petitioner has stated that after change of jurisdiction of the District Munsif, the case has been transferred and re-numbered as O.S.No.59 of 2009 and the matter is now posted for arguments.

7 The learned counsel for the respondent made submissions in favour of the orders of the Trial Court.

8 In view of the certain answers initiated in the cross- examination of the defendants, the proposed parties are just necessary and accordingly, the Trial Court has rightly allowed the said application in I.A.No.1022 of 2011 and hence, this Court does not find any merits to interfere with the same.

9 Taking note of the fact that suit is filed in the year 2010, the learned District Munsif, Polur, is directed to dispose of the suit within a period of eight weeks from the date of receipt of a copy of this order.

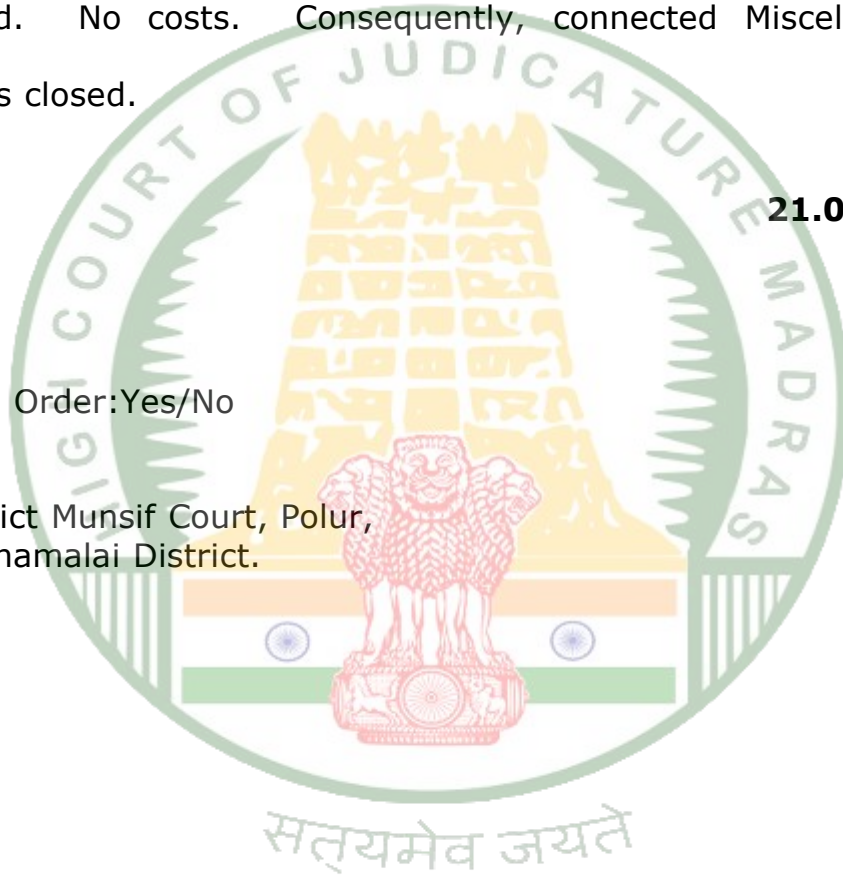
10 In the result, the Civil Revision Petition stands dismissed with the above direction and the order passed by the learned District Munsif, Polur, Thiruvannamalai, in I.A.No.1022 of 2011 in O.S.No.440 of 2010, dated 18.09.2012, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

21.02.2020

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Speaking Order:Yes/No
To

The District Munsif Court, Polur,
Thiruvannamalai District.

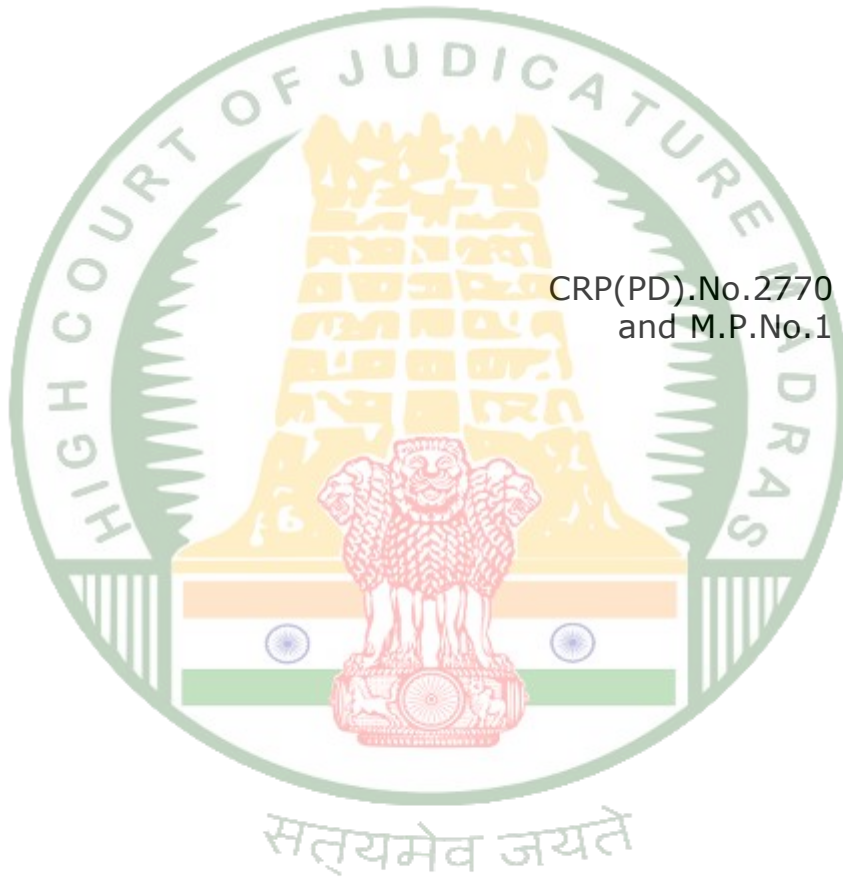


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RMT.TEEKAA RAMAN, J.

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