

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4229 of 2019
and C.M.P.No.27597 of 2019

N.Munirathinam

.. Petitioner

Vs.

1. N.Munisamy
2. N.Muniyappan
3. N.Chinnathambi
4. N.Rajagopal
5. N.Chinna Muniyammal
6. Kanjana
7. Kavitha
8. Thirupathi
9. Mohanraj

.. Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order dated 01.11.2019, made in I.A.No.737 of 2018 in O.S.No.30 of 2012 on the file of the learned Subordinate Judge, Vaniyambadi.

For Petitioner : Ms.Elizabeth Ravi

For Respondents 1 to 4 : Mr.V.Raghavachari

O R D E R

Revision has been filed against the order allowing the application to implead the respondents 5 to 9 herein as party defendants in the suit.

2. The respondents 1 to 4 herein, have filed the suit for partition. The petitioner/defendant filed a written statement contending that, apart from the defendant there are his brothers and sisters who are also entitled for a share in the suit schedule property and that they were not impleaded as party defendants in the suit and hence the suit is not maintainable. In the above circumstances, the plaintiffs filed an application to implead the respondents 5 to 9 herein as party defendants in the suit. The trial Court allowed the application on payment of cost of Rs.5,000/-. Now, challenging the same, the present revision has been filed.

3. I have heard the learned counsel appearing for the parties and also perused the records carefully.

4. Learned counsel appearing for the petitioner would contend that even though the suit is of the year 2012 and the written statement has been filed long ago, now after completion of the arguments, the plaintiffs have filed the present application. Even though the trial Court considered all these aspects, mechanically allowed the application on payment of cost of Rs.5,000/-.

5. The learned counsel appearing for the respondents 1 to 4 would contend that only after objections were raised by the petitioner/defendant that his own brothers and sisters were not impleaded as parties to the suit and that they will naturally sail along with the petitioner/defendant, the plaintiffs have filed the application to implead respondents 5 to 9 herein as party defendants in the suit.

6. I have considered the rival submissions.

7. Even though the application has been filed belatedly, as the proposed parties are just and necessary parties to the suit, therefore, the trial Court allowed the application on payment of cost of Rs.5,000/-. I do not find any illegality or irregularity in the same as the trial Court has rightly allowed the said application. There is no merit in the revision and the same is liable to be dismissed.

8. In the result, the civil revision petition is dismissed and the orders of the Court below, impugned in this revision is hereby confirmed. Considering the fact that the matter has been listed for arguments and the suit is of the year 2012, the learned Subordinate Judge, Vaniyambadi, is directed to dispose of the suit in O.S.No.30 of 2012, on merits and in accordance with law, after giving an opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

सतयमेव जयते
/True Copy/ Assistant Registrar(C.S.VIII)

Sub Assistant Registrar

To

The Subordinate Judge, Vaniyambadi.

+1 cc to M/s.Elizabeth Ravi,Advocate Sr.No. 4953

AKM/24.01.2020/2P- 3c/

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