

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.3422 of 2018 and
CMP No.19257 of 2018

1. S.Saroja
2. S.Rathinamozhi
3. S.Muthurajapandiyan
4. S.Ponrajapandiyan
5. S.Mythili
6. Shanmugasundram
7. Priya

... Petitioners

Vs

1. Mohammed Kasim
2. M.O.Aramudhan

... Respondents

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order passed by the District Munsif Court, Thiruvallore, made in I.A.No.713 of 2017 in O.S.No.53 of 2010 dated 20.09.2017 and thereby allow this Civil Revision petition.

For Petitioners : Mr.A.R.Suresh

For Respondents : No appearance

ORDER

This revision is directed against an order allowing an application for impleading filed by the purchaser of the suit property prior to the suit.

2. The plaintiff sued for permanent injunction claiming that he has been in possession of the property having purchased the same from one Raju for a sum of Rs.45,000/- in the year 1997. It is the claim of the plaintiff that since Raju died soon after the payment of sum of Rs.45,000/-, he was not able to register get the Sale Deed executed. It is stated that taking advantage of the same, the defendant who is brother of Raju is attempting to interfere with his possession.

3. The defendant filed a written statement stating that he has sold the property to one Mohammed Kasim son of Sheik Baji on 17.02.2010. The said Mohammed Kasim S/o. Sheik Baji, namely the purchaser had come up with the application in I.A.No.713 of 2017 seeking to implead himself on the ground that he is a purchaser of the property prior to the suit. The application was allowed by the trial Court.

4. I have heard Mr.A.R.Suresh, learned counsel appearing for the petitioners. The respondents though served, is not appearing either in person or through counsel duly instructed.

5. Considering the fact that the proposed party has purchased the suit property by way of Sale Deed dated 17.07.2010 and now he is the absolute owner of the suit property, he is a necessary party to the suit. There can be no doubt that the proposed party is a necessary party to the suit since he has purchased the property even prior to the filing of the present suit. Therefore, I do not see any material irregularity or illegality in the order of the trial Court allowing the application for impleading. The revision therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

11.12.2020

vum
Index: Yes/No
Speaking order / Non speaking order

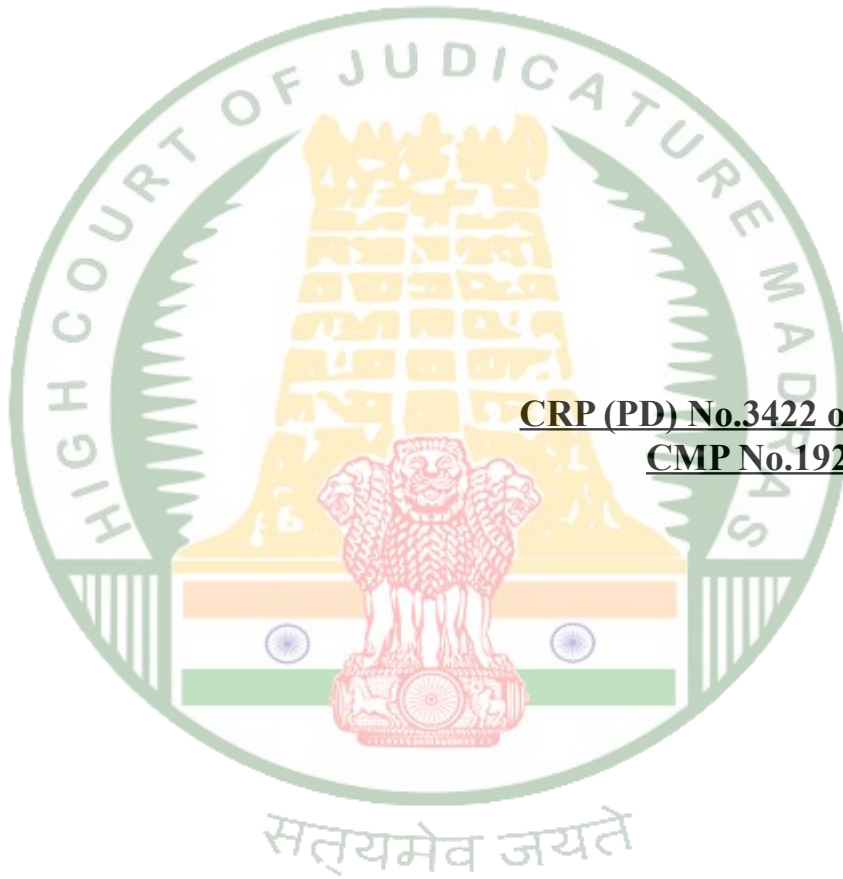
To:
The District Munsif Court, Thiruvallore

3/4

CRP (PD) No.3422 of 2018 and
CMP No.19257 of 2018

R.SUBRAMANIAN, J.,

vum



CRP (PD) No.3422 of 2018 and
CMP No.19257 of 2018

WEB COPY

11.12.2020