

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No. 3237 of 2018
in
C.M.P.No. 18437 of 2018

1.Rathinam
2.Padmavathy
3.Sudha

..Petitioners

Vs.

1.Senthilkumar
2.Sampoornam
3.Rukmani
4.Muthulakshmi

...Respondents

Prayer: Petition filed under Article 227 of Constitution of India, seeking to set aside the fair order and decretal order dated 27.08.2018 made in I.A.No. 214 of 2018 in O.S.No. 186 of 2016 on the file of the II - Additional District Court, Erode.

For Petitioner : Mr.M.V.Venkateshan

For Respondents : Mr.S. Kaithamalai Kumaran for R4

O R D E R

The petitioners, who are the third parties in O.S.No. 186 of 2016 have come up with this Civil Revision Petition, challenging the dismissal of their application in I.A.No. 214 of 2018 for impleading themselves in the suit.

2. The suit in O.S.No. 186 of 2016 is a suit for specific performance filed by the first respondent against the respondents 2 to 4 based on an agreement of sale entered into between them. The petitioners are claiming that they are also entitled to share in the suit properties and the suit for partition filed by them in O.S.No. 322 of 2013 is pending. It is settled law that a person claiming rival title is not necessary party for the specific performance. The petitioners are admittedly claiming the rival title to that of the respondents 2 to 4. Their suit for partition is admittedly

pending. It is open to them to work out their rights in the said suit. They cannot be impleaded in the present suit, which is one for specific performance. I therefore, do not find any material irregularity in the order of the Court below in dismissing the application. This Civil Revision Petition fails and it is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

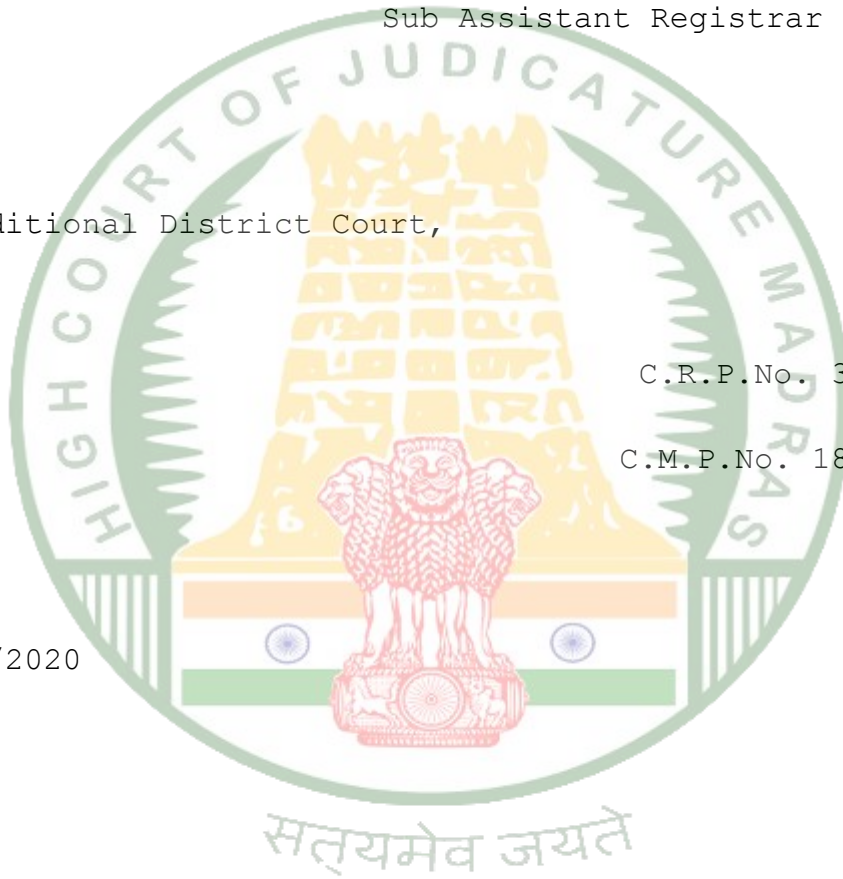
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To:-

The II-Additional District Court,
Erode.

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SSV(CO)
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