



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE **S . S . SUNDAR**

C.R.P (NPD) (MD)No.365 of 2012

and

M.P. (MD) No.1 of 2012

1.Selvamani (Died) : Petitioner/Petitioner/8th Defendant
2.S.Selvin
3.S.Selvakumar
4.S.Girija : Petitioners

.. Vs ..

1.Sobana Bai
2.Christal Rani : Respondents 1&2/Respondents 1&2/Plaintiffs
3.Yesurathinam
4.Chellammal Nadachi
5.Flarance Manohara Bai
6.Maria Sebastian Nadar
7.Maragathammal
8.Kutty Nadar
9.Nesamani
10.Muthaiyan
11.Aruldoss
12.Dhamos : Respondents 3 to 12/Respondents 3
to 12/Defendants
13.D.Pushpalatha : Respondent

(Petitioners 2 to 4 and Respondent 13 are brought on record as LR's of deceased sole petitioner vide Court Order dated 03.06.2019 made in CMP No.4686 to 4688 of 2019 in C.R.P. (MD)No.365 of 2012 by SSSRJ)
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 29.04.2011 made in I.A.No.146 of 2011 in O.S.No.685 of 1972 on the file of the Principal District Munsif, Padmanabhapuram.



For Petitioner : Mr.R.Devaraj

For Respondent 5 : Mr.C.Godwin

For Respondent 11 : No appearance

Respondents 1 to 4, 6 to 10 & 12 - Dismissed vide

Court order dated 14.06.2016.

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ORDER

This Civil Revision Petition is filed by the 8th defendant in the suit in O.S.No.685 of 1972 as against the order dismissing the petition filed by the revision petitioner in I.A.No.146 of 2011 for passing a supplemental preliminary decree.

2.It is not in dispute that the petitioner is a party to the suit for partition and it is also admitted that a preliminary decree was passed in the suit long back. Stating that the petitioner had purchased item No.8 in suit B schedule and that he has also put up a construction, the petitioner has filed the application for passing supplemental preliminary decree. In the application filed by the petitioner, the petitioner has further stated that the first defendant is not entitled to more than 1/6th share in the property contrary to the decree for partition. The petitioner has not challenged the preliminary decree. Request for supplemental preliminary decree questioning the preliminary decree is not permissible. The petitioner's contention that he has purchased the property from one of the parties to the suit long before the partition suit was filed and that he is a *bona fide* purchaser for value are not sufficient to seek a supplemental preliminary decree to the prejudice of all the other persons who have definite share in the property. Hence, the Revision Petition itself is liable to be dismissed on merits. However, it is reported that the Civil Revision Petition is dismissed as against the respondents 1 to 4, 6 to 10 and 12 by order of Court. In the application seeking supplemental preliminary decree all the parties who are interested should be heard. This Court cannot entertain this Civil Revision Petition after the Civil Revision Petition is dismissed in respect of many of the parties who are entitled to share in the property. Therefore, this Civil Revision Petition is liable to be dismissed and accordingly, it is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

The Principal District Munsif,
Padmanabhapuram.

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Copy to:

The Section Officer, (2 Copies)
V.R.Section,
Madurai Bench of Madra High Court, Madurai.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-9743[F] dated 03/03/2020)

C.R.P (PD) (MD) No.365 of 2012
02.03.2020

srm

SDS (16.03.2020) 3P-5C