



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No. 1546 of 2016

Vaiyammal ... Revision Petitioner/Petitioner/Appellant

vs.

1. Mookiah Reddiar (died)
2. Revathi Kandasamy
3. Vairamuthu
4. Vaiyanan
5. M. Chandrasekaran
6. G. Radakrishnan
7. P. Raj
8. Suryanarayana Raju
9. M. Ponnusamy ... Respondents/Respondents/Respondents

(R-9 is brought on record as the Legalheirs of the deceased 1st respondent vide Court order dated 06.09.2018).

PRAYER : Petition filed under Article 227 of Constitution of India, against the Fair and Decreetal Order, dated 29.04.2016 passed in I.A. No.83 of 2014 in A.S. No. 49 of 2012 on the file of the Sub-Court, Kovilpatti.

For Petitioner	: Mr.S. Kadarkarai
For R-5 & R-6	: Mr.Pon Senthil Kumaran
For R-8	: Mr.Pitchai Muthukumaran
For R-9	: Mr.K.S. Muthu

ORDER

This petition has been filed against the Fair and Decreetal Order, dated 29.04.2016 passed in I.A. No.83 of 2014 in A.S. No. 49 of 2012 on the file of the Sub-Court, Kovilpatti.

2.The learned counsel appearing for the revision petitioner/plaintiff would submit that she has filed a suit in O.S. No.55 of 2009 on the file of the District Munsif Court, Vilathikulam for partition and the same was dismissed on 03.02.2012. Aggrieved over the same, the revision petitioner has preferred an appeal in A.S. No. 49 of 2012 on the file of the Sub-Court, Kovilpatti. During the pendency of the appeal, the revision petitioner has filed



a petition in I.A.No.83 of 2014 in A.S. No. 49 of 2012 to add the respondent Nos.5 to 8 as respondent Nos.5 to 8 in the appeal and the same was dismissed on 29.04.2016. Against the order, dated 29.04.2016 in I.A.No.83 of 2014 in A.S. No. 49 of 2012 the present Civil Revision Petition is filed.

WEB COPY

3. Heard the learned counsel appearing for the respondent Nos.5, 6, 8 & 9 and perused the material documents.

4. It is seen from the records that the suit in O.S. No.55 of 2009 was filed for partition and the same was dismissed in the year 2012. Since R-5 to R-8 are subsequent purchasers of some portion of the schedule property, all the sales hit by *Doctrine of Lispendency*. It is not necessary to add all the purchasers during the pendency of the appeal. Suit is only for determine the rights of the parties. They are not necessary parties to decide the issues in the suit. The Appellate Court has rightly dismissed the I.A. No.83 of 2014 in A.S. No. 49 of 2012.

5. Hence, the Civil Revision Petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

To

1. The Sub Judge, Kovilpatti.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.PON SENTHIL KUMARAN, Advocate SR.No. 25904

+1 CC to Mr.S.KADARKARAI, Advocate SR.No. 26568

Order made in

C.R.P. (MD) No. 1546 of 2016

17.12.2020

—
VR(CO)

TR(07.01.2021) 2P 6C