

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP.PD.No. 1781 of 2004
and
CMP.No.16993 of 2004

R.Jaganathan

... Petitioner

Vs.

1. Kanthamani (died)
2. R.Ramasamy
3. R.Venugopal
4. R.Krishnan
5. R.Ramakrishnan
6. V.Janakiammal
7. V.Radhakrishnan
8. V.Kulasekaran
9. Vanithamani
10. Rajeswari
11. J.Kasthuri
12. V.Sekaran
13. V.Kala

[R12 and R13 brought on record as LRs if the deceased 1st respondent vide order of Court dated 29.08.2016 made in CMP No.401 of 2015 in CRP No.1781 of 2004]

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order of the learned first Additional District Munsif of Coimbatore, dated 21.06.2004 in I.A.No.1516 of 2001 in O.S.No.2374 of 1996 and allow the above C.R.P.

For Petitioner

: Mr.J.Hariharan

For Respondents

: Died (Steps taken) (for R1)

: Given up (for R2)

: No Appearance
(for R3 to R13)

O R D E R

This Civil Revision Petition is directed as against the fair and final order passed in I.A.No.1516 of 2001 in O.S.No.2374 of 1996 dated 21.06.2004 on the file of learned first Additional District Munsif, Coimbatore, thereby, dismissing the petition filed by the petitioner to implead himself as 11th defendant in the final decree application.

2. The first respondent filed the said suit for partition. It was decreed. While pending final decree application, the petitioner filed a petition to implead him as party to the final decree application, for the reason that he purchased the share of the 10th defendant in the suit, who is none other than his own wife. His wife was set ex-parte in the preliminary decree.

3. Though she was set ex-parte during the pendency of the suit, any transfer or relinquishment of the suit properties will not bind the parties to the ris. Therefore, this Court finds no irregularity or infirmity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the Connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The first Additional District Munsif, Coimbatore.

+1cc to Mr.V.Nicholas , Advocate SR.No. 4473

CRP.PD.No. 1781 of 2004

A.SK(25.02.2021)

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