

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.2486 of 2015
and M.P.No.1 of 2015

Muniamma

...Petitioner

Vs

1.B.M.Rajagopal

2.Venkatesh

3.Chandramma

4.Prakash

5.Krishnappa

6.Roja

7.K.Mottaiyandi

8.M.Papputhiyammal @ Pappammal

9.P.Balaji

10.K.Ganesan

11.G.Manjamma

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.11.2014 made in I.A.No.114 of 2014 in O.S.No.101 of 2012 on the file of the Court of the District Munsif at Hosur, Krishnagiri District.

For Petitioner : Mr.M.V.Krishnan

For Respondents : No appearance

ORDER

The Civil Revision Petition is arising out of the fair and decratal order dated 17.11.2014 made in I.A.No.114 of 2014 in O.S.No.101 of 2012 on the file of the Court of the District Munsif at Hosur, Krishnagiri District, thereby allowing the petition filed by the 1st respondent herein to implead himself a party to the suit in O.S.No.101 of 2012.

2.The petitioner filed a suit for declaration and injuncion. While pending the suit, the defendants 9 and 10 filed their written statement. Thereafter, the 1strespondent, who is the third party to the suit filed a petition to implead himself as a party in the suit for the reason that he purchased the suit schedule property and possession also handed over to him.

3.On perusal of the affidavit filed in support of the petition to implead him as a party, he stated that he has purchased the suit property and possession also handed over to him and he has no knowledge about the case at the time of purchase. Admittedly, he is the only transferee *pendente lite* and his interest in the suit property is not substantial and preferable. He also failed to mention the entire details of the suit property. Therefore, the

Court below mechanically allowed the petition only for the reason that the suit is in beginning stage and no serious prejudice will be caused to the petitioner herein.

4.In view of the above discussion, the order dated 17.11.2014 made in I.A.No.114 of 2014 in O.S.No.101 of 2012 on the file of the Court of the District Munsif at Hosur, Krishnagiri District, is illegal and perverse and liable to be dismissed.

5.Accordingly, the order dated 17.11.2014 made in I.A.No.114 of 2014 in O.S.No.101 of 2012 is set aside and this Civil Revision Petition is allowed. No Costs. Consequently connected miscellaneous petition is closed.

27.01.2021

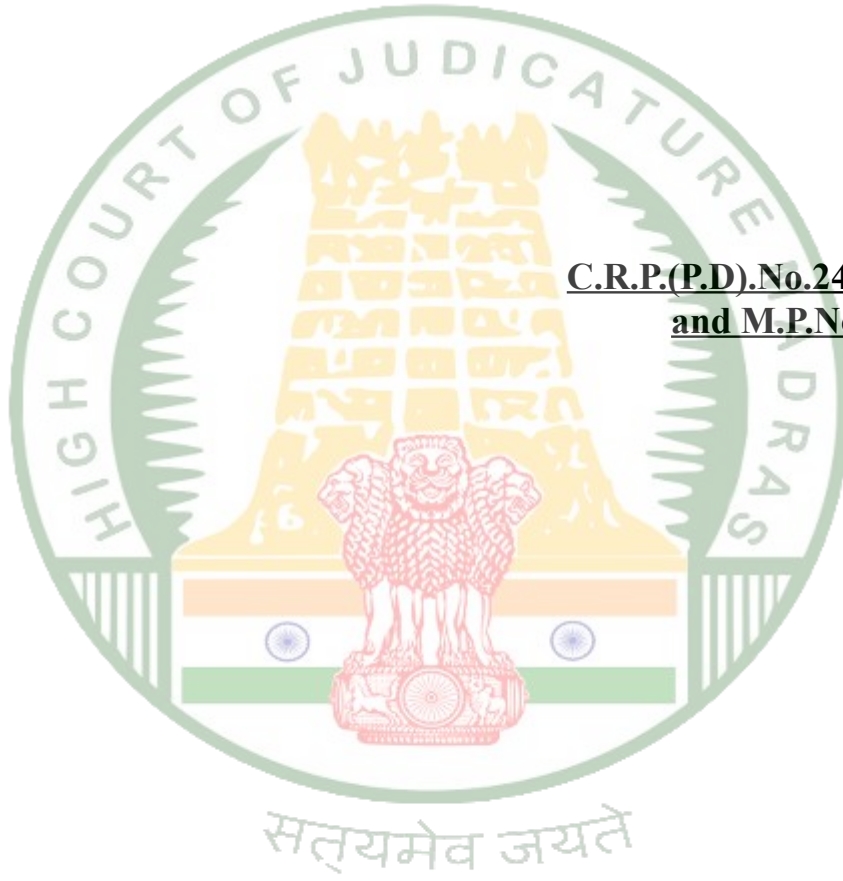
Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The District Munsif at Hosur, Krishnagiri District.

G.K.ILANTHIRAIYAN,J,

C.R.P.(P.D).No.2486 of 2015

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