

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

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

CRP.NPD.No.2063 of 2018

and

CMP.No.12303 of 2018

1.Jokaran Beevi
2.Baraktah Nisha
3.Shakila Banu

..Petitioners

Vs.

1.Abdul Jabbar
2.Rasul Beevi
Thakira Beevi (deceased)
3.Mohammed Ali
4.Anwar
5.Mumtaj

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decretal order dated 18.12.2017 and made in unnumbered IA.No. of 2017 in IA.No.41 of 2015 in OS.No.13 of 1999 on the file of the Principal Sub Court, Mayiladuthurai.

For Petitioners : Mr.N.A.Nissar Ahmed

For Respondents
For R1 & 5 : Mr.S.Sounthar
R2 to 4 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 18.12.2017 passed in unnumbered IA.No. of 2017 in IA.No.41 of 2015 in OS.No.13 of 1999 on the file of the Principal Sub Court, Mayiladuthurai, thereby dismissing the petition seeking to implead.

2. The first respondent is the plaintiff and the respondents 2 to 5 are the defendants. The first respondent filed suit for partition and the same was decreed. Aggrieved by the same, the other respondents also filed appeal suit and second appeal. Both were dismissed and confirmed the judgment and decree passed by the court below. Thereafter, the first respondent filed petition for final decree in IA.No.41 of 2015. While pending the said petition, the petitioners also filed petition to implead themselves as parties in the final decree petition.

3. When they are not parties to the preliminary decree and it went upto this Court and confirmed the preliminary decree passed by the court below, the petitioners cannot be impleaded in the final decree, since the final decree can be passed only on the basis of the preliminary decree. Therefore, the court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

29.07.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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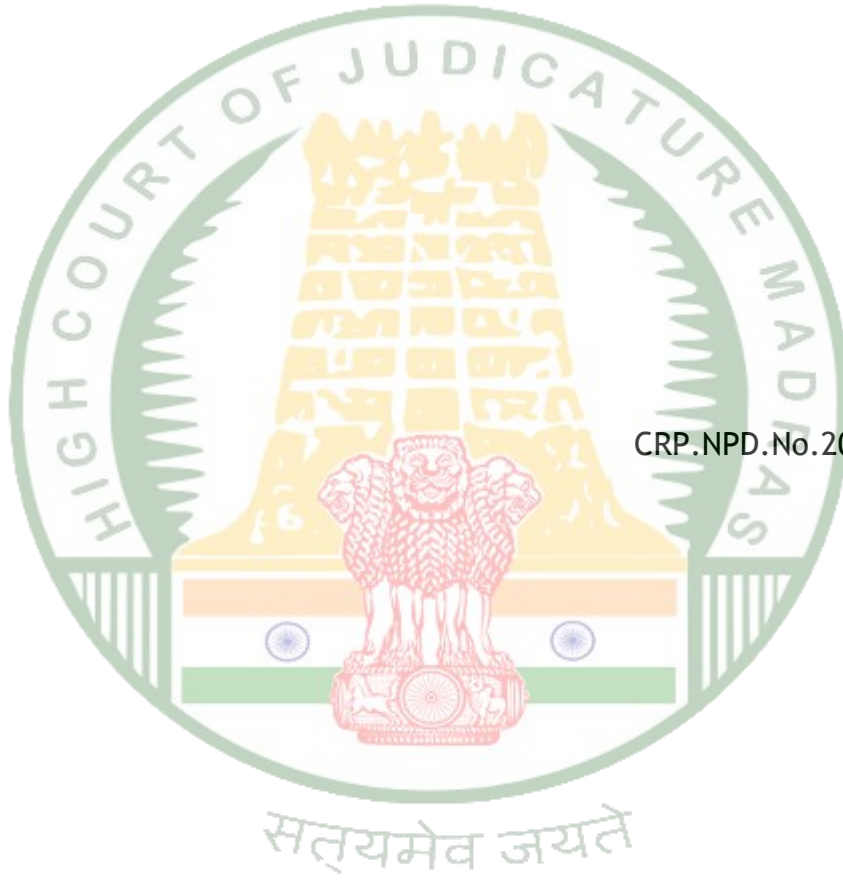
To

The Principal Subordinate Judge,
Mayiladuthurai

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G.K.ILANTHIRAIYAN,J.

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