

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

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

CRP.PD.No.2617 of 2018

and

CMP.No.15697 of 2018

1.K.Natarajan

2.Meivazhi Selvam Gounder

Vs.

..Petitioners

1.The Collector,
Vellore District,
Vellore-9

2.The Tahsildar,
Vellore Taluk,
Vellore

K.Somasekaran(died)

3.S.Venkatesan

4.S.Pazhani

5.Chandira

6.Amudha

7.Selvi

8.D.Manonmani

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated

06.11.2017 made in IA.No.799 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore

For Petitioners : Mr.M.Sangeetha

For Respondents

For R1 & 2 : Mr.A.E.Ravichandran

For R3 to 8 : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 06.11.2017 made in IA.No.799 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore, thereby dismissing the petition seeking to transpose the third plaintiff as ninth defendant in the suit.

2. Though notice was served, no one appeared on behalf of the respondents 3 to 8 before this Court in person or through pleader.

3. The petitioners are the plaintiffs and the respondents 1 to 7 are the defendants. The eighth respondent is the third plaintiff. While pending the suit, the petitioners filed petition to transpose the eighth respondent herein to ninth defendant in the suit.

4. On perusal of the affidavit filed in support of the petition revealed that the petitioners filed suit for partition as against the respondents 1 to 7 herein claiming $\frac{3}{4}$ share in the suit properties. While pending trial, the eighth respondent herein seems to have sold her share in the suit property to the proposed defendant without knowledge of the petitioners herein. The eighth respondent herein is being the third plaintiff in the suit, she acted adverse to the interest of the petitioners and also she is not interested to conduct the case. However, the court below dismissed the petition for the reason that after period of 10 years, it has been filed and to prove the same, no documents were marked during enquiry. In respect of impleading the proposed party, this Court also allowed the civil revision petition in CRP.No.2027 of 2018 by order dated 15.07.2021.

5. In view of the above, no purpose would be served, if the eighth respondent is being the third plaintiff in the suit. Therefore, the order passed by the court below is liable to be set aside. Accordingly, this civil revision petition is allowed and the order dated 06.11.2017 made in IA.No.799 of 2017 in OS.No.609 of 2006 on the file of the Court of the Principal District Munsif, Vellore is set aside. The court below is directed to dispose of the suit within a period of six months

from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

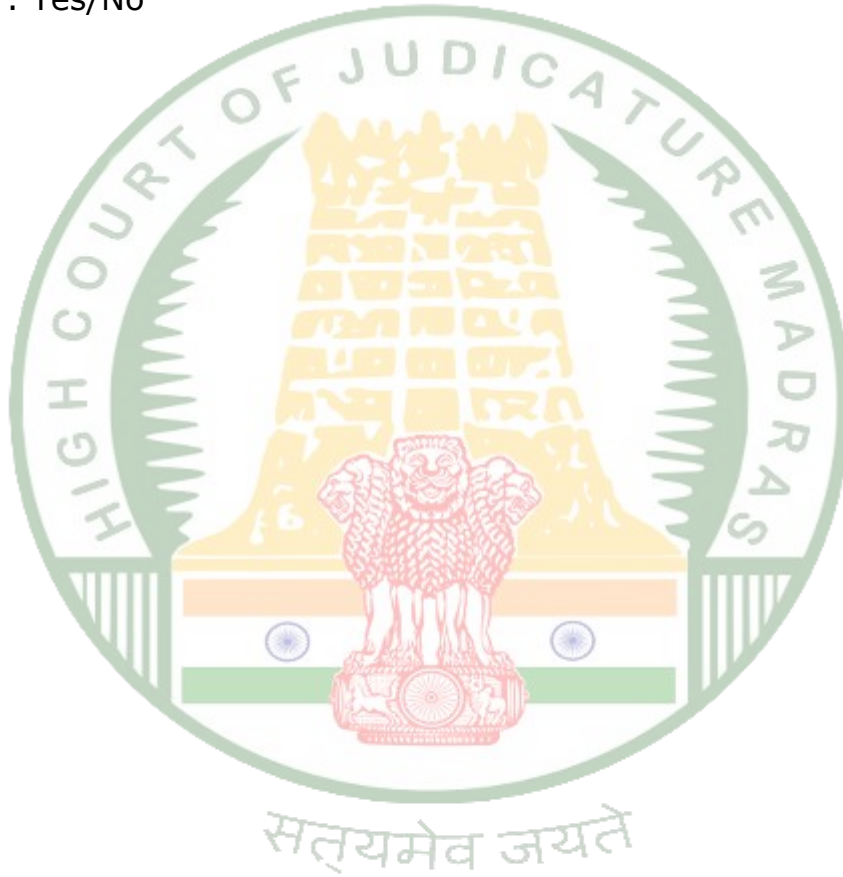
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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

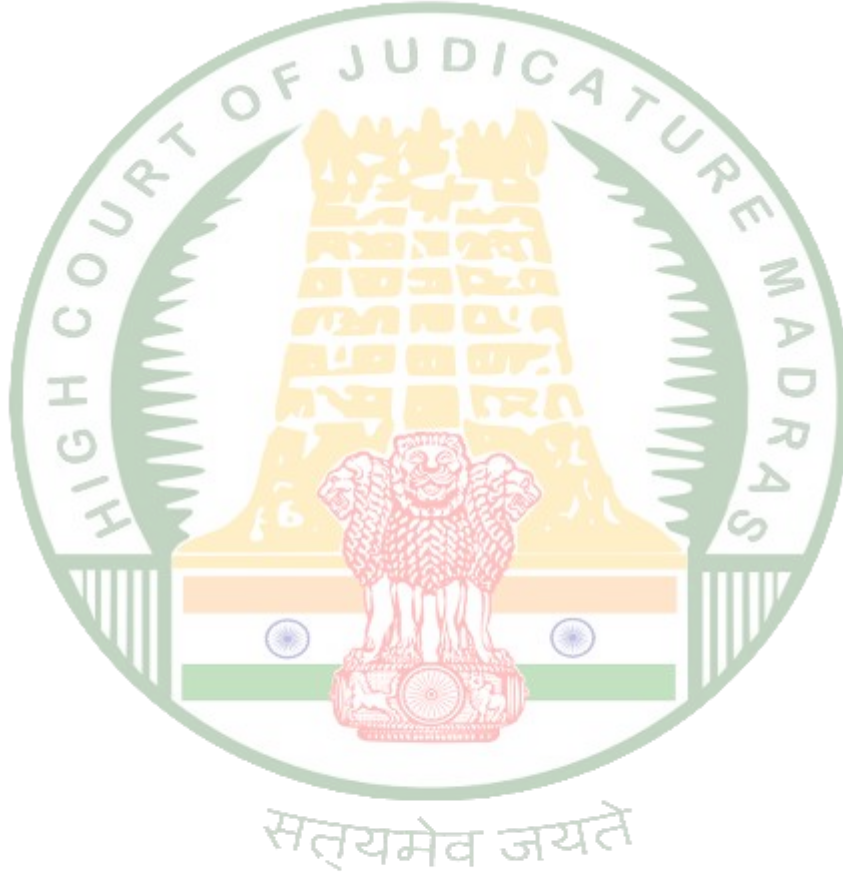
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To

The Principal District Munsif,
Vellore



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G.K.ILANTHIRAIYAN,J.

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CRP.PD.No.2617 of 2018

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