

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.2650 of 2018
and C.M.P.No.15822 of 2018

C.Rajamanickam

... Petitioner

Vs

1.K.Loganathan

2.Balasubramaniam

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 20.07.2018 made in I.A.No.268 of 2018 in O.S.No.1076 of 2013 on the file of I-Additional District Munsif Court at Salem.

For Petitioner : Mr.T.L.Thirumalaisamy

For Respondents : Mr.L.Mouli for R1

R2 - Notice Served No Appearance

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 20.07.2018 made in I.A.No.268 of 2018 in O.S.No.1076 of 2013 on the file of I-Additional District Munsif Court at Salem, thereby dismissing the application to implead the petitioner herein as one of the defendants in the suit.

2. The first respondent herein is the plaintiff and the second respondent and another are the defendants in the said suit. The first respondent herein filed the said suit for declaration declaring the suit property in favour of the first respondent as well as the second respondent as joint ownership.

3. Pending the suit, the petitioner herein filed an application to implead himself as a defendant in the suit for the reason that even according to the first respondent herein 'B' Item of the suit property is derived from common ancestor of Arthanari Gounder. The said Arthanari Gounder had four sons. Therefore, the petitioner herein is also entitled to half share in the

suit property. But, without impleading the petitioner herein, the respondents 1 and 2 herein collusively filed a said suit.

4. A perusal of the records revealed that the petitioner came to understand about the pendency of the said suit even in the year 2014 itself. After filing the written statement by the second respondent herein, when the suit was posted for defendants' evidence the application came to be filed.

5. The learned counsel for the first respondent herein would submit that now the suit is posted for Judgment on 16.07.2021. That apart, except mere averments made in the affidavit, the petitioner failed to produce any documents to show that he is also having right to the suit property.

6. Therefore, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below.

7. However, the petitioner herein is at liberty to work out his remedy in a manner known to law.

8. Accordingly, this Civil Revision Petition is dismissed.
Consequently, the connected miscellaneous petition is dismissed. No order
as to costs.

14.07.2021

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
rna

To

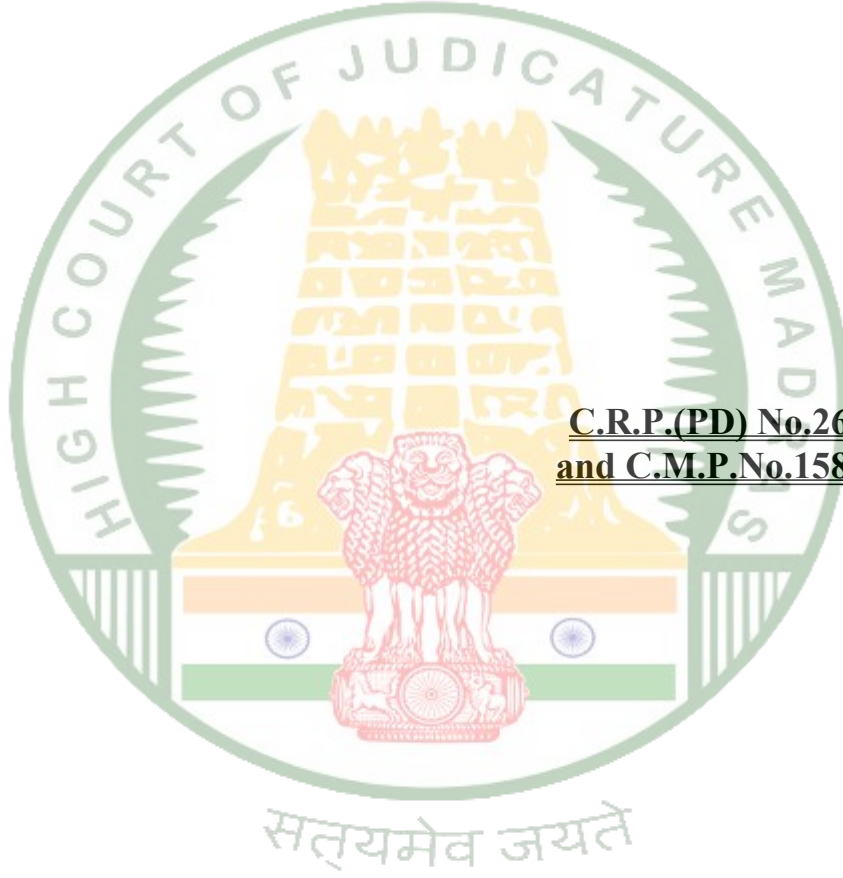
The 1st Additional District Munsif Court,
Salem.



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G.K.ILANTHIRAIYAN. J,

rna



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