

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

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

CRP.PD.No.2738 of 2018

and

CMP.No.16093 of 2018

K.G.Selvam

..Petitioner

Vs.

Perumal(died)
Krishnamurthy(died)

1.Chinnathai
2.Kirubakaran
3.Prakasam
4.Rani @ Indirani
5.Karunanidhi
6.Tamilarasi
7.Suriya
8.Dhanalakshmi
9.Minor.Manoj Kumar
10.Minor Loshini
minors rep. by mother Dhanalakshmi
11.V.Shanmugam

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order passed in IA.No.844 of 2015 in OS.No.162 of 2005 dated 20.07.2018 on the file of Principal District Munsif Court, Tirupattur, Vellore District.

For Petitioner : Mr.PA.Sudesh Kumar

For Respondents

For R1 to 10 : Mr.D.Venkateswara Rao
for M/s.Elizabeth Ravi

ORDER

This Civil Revision Petition is filed against the fair and decretal order passed in IA.No.844 of 2015 in OS.No.162 of 2005 dated 20.07.2018 on the file of Principal District Munsif Court, Tirupattur, Vellore District, thereby dismissing the petition to implead the proposed party to the suit.

2. The petitioner is the plaintiff and the respondents 1 to 10 are the defendants. The petitioner filed suit for declaration and permanent injunction in respect of the suit property. The respondents filed written statement and stated that the suit property was purchased from one, Shanmugam under specific performance suit filed in OS.No.108 of 2003. The said suit was decreed on 24.02.2004. After period of ten years, the petitioner filed petition to implead the said Shanmugam as party to the suit. The court below rightly dismissed the petition for the reason that the said proposed party is not proper and necessary party to the present suit. Admittedly, no relief is sought for as against the proposed party, that too, filed after period of 10 years.

Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

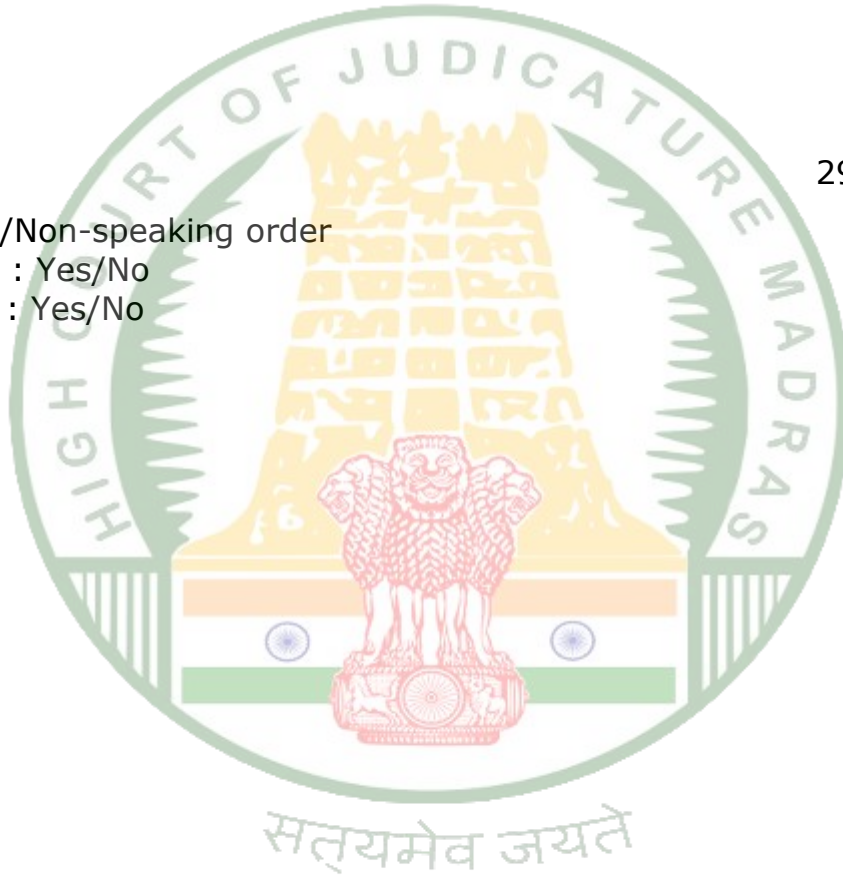
3. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

29.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No
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G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif,
Tirupattur, Vellore District



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