

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

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

CRP.PD.No.359 of 2018
and CMP.No.1887 of 2018

Nallammal

..Petitioner

Vs.

1.Tamilarasi
2.G.Sampoornam
3.Anammal Education Trust,
Represented by its Chairman
M.Karunanidi,
S/o Muthu Gounder,
Elayampalayam,
Sathinaikampalayam Group Village,
Kumaramangalam Post,
Tiruchengode Taluk,
Namakkal District

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 06.12.2017 made in IA.No.806 of 2017 in OS.No.125 of 2011 on the file of the Subordinate Judge, Tiruchengode.

For Petitioner : Mr.M.Guruprasad

For Respondents

For R1 & 2 : Mr.D.Kanagasundaram

For R3 : Mr.S.Kaithamalai Kumaran

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 06.12.2017 made in IA.No.806 of 2017 in OS.No.125 of 2011 on the file of the Subordinate Judge, Tiruchengode, thereby allowing the petition to implead the proposed party as one of the defendant in the suit.

2. The petitioner is the plaintiff and the respondents 1 and 2 are the defendants 1 and 2 in the suit. The petitioner filed suit for partition. While pending the suit, the respondents 1 and 2 herein filed petition to implead the third respondent as one of the proposed party in the suit for the reason that the seventh defendant in the original suit sold out one of the item of the suit property in favour of the proposed party. The said application was filed in the year 2013 and the same was not numbered till 2017. Therefore, the respondents 1 and 2 filed petition to re-present the implead application with delay of 1297 days in re-presentation. The respondents 1 and 2 also filed petition to condone the delay in re-presentation. The court below had taken main application to implead the third respondent as one of the party to the suit, since at any time the proposed party can be impleaded as party. After considering the facts and circumstances of the case, the court below allowed the petition to implead the third respondent herein as

one of the defendant. Admittedly, the seventh defendant in the suit, who is none other than the brother of the petitioner herein, sold out one item of the suit property in favour of the proposed party. Therefore, the third respondent is the just and necessary party to the suit. The only contention raised by the petitioner is that in stead of passing any order in the petition to condone the delay in re-presentation, the court below passed order in the main petition itself.

3. In view of the above discussion, this Court finds no infirmity or illegality in the order passed by the court below. Accordingly, this civil revision petition is dismissed. However, 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.

15.06.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

lok

WEB COPY

G.K.ILANTHIRAIYAN,J.

lok

To

The Subordinate Judge,
Tiruchengode



CRP.PD.No.359 of 2018

WEB COPY

15.06.2021