

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

**C.R.P. (PD) Nos. 4236 & 4237 of 2018
and CMP Nos. 23223 & 23224 of 2018**

1. R.R.Sivaram
2. I.Atham Sait
3. R.Srinivasan

....

Petitioners in both CRPs

Vs

1. Madeswari
2. Chinnathayammal
3. Shanthi
4. Indira Gandhi
5. Kamala
6. Sakthivelmurugan
7. Sasikala
8. Sathiyakala
9. Sabreswaran

....

Respondents in both CRPs

Common Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 14.11.2017 made in I.A.Nos. 373 & 374 of 2015 in O.S.No.417 of 2012 on the file of the learned II Additional Subordinate Judge, Salem.

For Petitioners in both CRPs : Mrs.D.Chitra Maragatham
for M/s.P.Veena Suresh

For R1 in both CRPs : Mr.K.Selvarj

For R2 to R9 in both CRPs : Ex-parte

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decreetal order dated 14.11.2017 made in I.A.Nos. 373 & 374 of 2015 in O.S.No.417 of 2012 on the file of the learned II Additional Subordinate Judge, Salem, thereby dismissing the petition to implead the parties to the suit.

2. The first respondent herein is the plaintiff and the other respondents are the defendants in the suit. The first petitioner is the tenth defendant. The first respondent filed a suit in O.S.No.417 of 2012 for declaration and recovery of possession in respect of the suit property along with mandatory injunction to remove the construction put up by the respondents. While pending suit, the first defendant sold out a portion of the suit property in favour of the first petitioner herein, who arrayed as tenth defendant, subsequently by the order passed in I.A.No.408 of 2013 dated 06.09.2013. While pending the suit, the first petitioner herein sold out the property which was purchased by the first defendant in favour of the petitioners 2 and 3 herein by a registered sale deed, dated 12.08.2015.

3. Admittedly, petitioners 2 and 3 have purchased the portion of the suit property. The first respondent filed a suit not only for

declaration and also for recovery of possession. If the suit is decreed in favour of the first respondent, it is very difficult to execute the same, since the proposed defendants are in possession and enjoyment of the portion of the suit property. Therefore, the proposed parties are just and necessary parties to decide the suit.

4. In view of the above, the order dated 14.11.2017 made in I.A.Nos. 373 & 374 of 2015 in O.S.No.417 of 2012 on the file of the learned II Additional Subordinate Judge, Salem, is hereby set aside. The suit is of the year 2012, as such, the Court below is directed to dispose of the suit within a period of nine months from the date of receipt of a copy of this order. It is made clear that the proposed defendants are hereby restrained from alienating the property which were purchased by them while pending the suit, to avoid endless litigation.

5. With the above directions, these Civil Revision Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

No costs.

28.07.2021

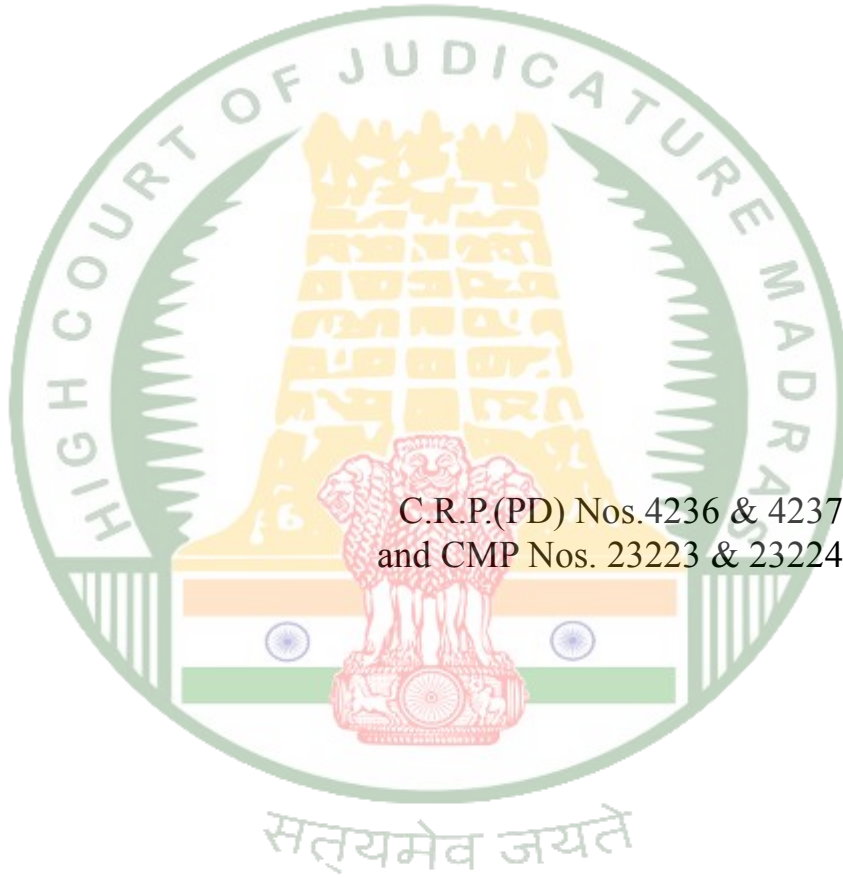
Lpp
Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

C.R.P.(P.D).Nos. 4236 & 4237 of 2018

G.K.ILANTHIRAIYAN.J,

Lpp

To
The II Additional Subordinate Judge,
Salem.



C.R.P.(PD) Nos.4236 & 4237 of 2018
and CMP Nos. 23223 & 23224 of 2018

WEB COPY

28.07.2021