



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CRP (MD) No.836 of 2020 &

CMP (MD) No.5642 of 2020

WEB COPY

K.B.Balakrishraja

... Petitioner/Proposed Party

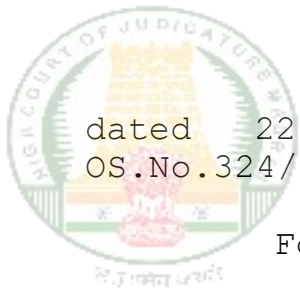
vs.

- 1.Lakshmiammal (died)
- 2.Sangili (died)
- 3.Mariyappan (died)
- 4.Mariyammal
- 5.Sanmugam Ammal (died)
- 6.Ramakrishnan
- 7.Krishnaveni
- 8.Parvathi (died) Exonerated
- 9.Mayilthai
- 10.Eswari
- 11.Selvi
- 12.Naheswari
- 13.Pitchaimurugan
- 14.Kaliyammal
- 15.Sanmugam
- 16.Muthusamy
- 17.Kalaiyarasi
- 18.Ponnuthai
- 19.Muthaiyan
- 20.Sannasi
- 21.Pandi
- 22.Lakshmi
- 23.Rubi
- 24.Palanimuthu
- 25.Saratha
- 26.Sabitha
- 27.Ayyar
- 28.Mariyammal
- 29.Nahendran
- 30.Sanmugammamal
- 31.Rajeswari
- 32.Paranaeswari
- 33.Pandi
- 34.Kumar
- 35.Chandran
- 36.Maariyaayi
- 37.Palaniyammal
- 38.Muthammal

... Respondents/Respondents/
Defendants

<https://hcservices.ecourts.gov.in/hcservices/>

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order



dated 22.06.2020 in IA.No.619/2018 in IA.No.480/2012 in OS.No.324/2006 on the file of the District Munsif, Theni.

For Appellant : Mr.K.Govindarajan

For Respondents : No appearance

WEB COPY

O R D E R

The appellant filed this appeal to set aside the fair and decreetal order dated 22.06.2020 in IA.No.619/2018 in IA.No.480/2012 in OS.No.324/2006 on the file of the District Munsif, Theni.

2. Heard the learned counsel appearing for the revision petitioner. No appearance on the side of the respondents.

3. The petitioner filed IA.No.619/2018 to implead himself as a respondent in IA.No.480/2012, which is pending for passing final decree. The petitioner purchased the property on 11.08.1993, even before the suit for partition in OS.No.324/2006 on the file of the District Munsif, Theni. The petitioner also filed OS.No.84/2011 for declaration and permanent injunction, in respect of the same property, before the same Court. Hence, the petitioner is a necessary party in the final decree proceedings. However, the District Munsif, Theni dismissed the impleading petition stating that the petitioner is not a necessary party to the proceedings.

4. In the final decree proceedings, the purchaser is a necessary party. The petitioner had purchased the property even prior to the suit. In such circumstances, this Court is inclined to set aside the order dated 22.06.2020 in IA.No.619/2018 in IA.No.480/2012 in OS.No.324/2006 on the file of the District Munsif, Theni. Accordingly, this Civil Revision Petition is allowed and the petitioner is to be added as a party to the final decree proceedings in IA.No.480/2012. No costs. Consequently, the connected Miscellaneous Petition is closed.

5. The District Munsif, Theni is directed to club the suit in OS.No.84/2011 along with the suit in OS.No.324/2006 and dispose of the matters within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Munsif Court, Theni.

+1 CC to M/s.K.. GOVINDARAJAN, Advocate (SR-36165[F] dated 26/11/2021)

CRP (MD) No.836 of 2020
25.11.2021

RK(23/12/2021) 3P 3C