



C.R.P(PD)Nos.1011 & 1109 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)Nos.1011 and 1109 of 2022
and C.M.P.Nos.5234 and 5701 of 2022

1.Balamani
W/o. Murugesan

2.Sivaraman
S/o.Murugesan

... Petitioners in both C.R.Ps.

Vs.

M.Usha Rani
W/o.C.Marimuthu

... Respondent in both C.R.Ps.

COMMON PRAYER: These Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the fair and decreetal order in I.A.No.3 and 4 of 2022 in O.S.No.961 of 2012 on the file of the II Additional Subordinate Judge, Coimbatore and allow the Civil Revision Petition.

For Petitioners : Mr.S.Gunaseelan
in both C.R.Ps.

COMMON ORDER

The present revisions are taken out by the defendants 8 and 9 in O.S.No.961of 2012, challenging an order dismissing their applications in



I.A.Nos.3 and 4 of 2022.

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2.Introducing the facts, the learned counsel for the revision petitioners submitted that these revision petitioners are the heirs of the 5th defendant in the suit. The 5th defendant died pending suit sometime in November, 2019, and these defendants came to be impleaded in 2020. This has happened during the trial. Post their impleadment, these revision petitioners have taken out two applications for reopening and recalling P.W.1. They were dismissed.

3.Learned counsel added that the 5th defendant had purchased two items of properties from defendants 1 and 2 to the extent of their shares. The property so sold were certain specific items of properties within the specified boundaries. These revision petitioners are anxious to secure to themselves the property which the father, the 5th defendant had purchased from the defendants 1 and 2, they need to put certain suggestions to P.W.1 regarding the same.

4.This Court understands that the defendants 1 and 2, the vendor of the 5th defendant are defending the suit and also protecting the warranty of title of



the 5th defendant' or such of those who claim under the 5th defendant.

Therefore, these defendants need not feel aggrieved. After all, their father, the 5th defendant too was contended not to cross examine P.W.1 when he was alive.

5. So far as the anxiety now stated before the Court is concerned these revision petitioners / defendants 8 and 9 in the suit may have to wait till an application for passing the final decree is filed, wherein, they can approach the Court for seeking equity in allotment and seek allotment of the specific plots their father, the 5th defendant has purchased in metes and bounds partition. For the present, this Court does not consider it necessary to interfere with the order of the trial Court.

6. Subject to the observation herein made, these Civil Revision Petitions are disposed of at the admission stage itself. Consequently, the connected miscellaneous petitions are closed. No costs.

06.04.2022

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N.SESHASAYEE, J.
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To,
The II Additional Subordinate Judge
Coimbatore

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