



C.R.P.No.1384 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

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

C.R.P.No.1384 of 2019
and C.M.P.No.9099 of 2019

Erusa Gounder

.. Petitioner

Vs.

1. Nallathambi

2. Eswaran

3. Punitha

4. Murugesan

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 30.08.2018 made in I.A.No.275 of 2018 in O.S.No.619 of 2008 on the file of the Principal District Munsif, Salem.

For Petitioner : Mr.D.Thirumoorthy

For Respondents

R1 : Mr.T.Balaji
for Mr.A.Thiyagarajan

R2 to R4 : No appearance
Notice served

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 30.08.2018 made in I.A.No.275 of 2018 in O.S.No.619 of 2008 on the file of the learned Principal District Munsif, Salem, thereby dismissing the



petition to implead the petitioner as one of the defendants in the suit filed by the first respondent herein.

2. Heard Mr.D.Thirumoorthy, learned counsel appearing for the petitioner and Mr.T.Balaji, learned counsel appearing for the first respondent.

3. Initially, the first respondent herein filed a suit for permanent injunction in respect of the suit property. Subsequently, he had amended the plaint for the relief of declaration and injunction. Therefore, the petitioner filed an application to implead himself as a party to the suit. The said application was dismissed.

4. In fact, another purchasers of the suit property have also filed an application to implead themselves as parties and the same was also dismissed. Aggrieved by the same, the said persons filed Civil Revision Petition in C.R.P.No.1502 of 2019 and the same was allowed by this Court by an order dated 14.10.2022. Admittedly, the petitioner herein being a subsequent purchaser of the suit property, is a necessary party to the suit proceedings. If the petitioner fails to implead himself as a party to the suit, it will cause prejudice to all the parties and it will lead to multiplicity of proceedings.



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5. Hence, the order passed by the Court below is liable to be set aside.

Accordingly, the fair and decreetal order dated 30.08.2018 made in I.A.No.275 of 2018 in O.S.No.619 of 2008, on the file of the learned Principal District Munsif, Salem, is hereby set aside. The Trial Court is directed to dispose of the suit in O.S.No.619 of 2008, within a period of six months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is allowed. Consequently connected miscellaneous petition is closed. No costs.

13.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.



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To

The Principal District Munsif, Salem.

C.R.P.No.1384 of 2019
and C.M.P.No.9099 of 2019

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