



WEB COPY



CRP.No.1275 OF 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Civil Revision Petition [PD] No.1275 of 2014 &

M.P.No.1 of 2014

1. K.Sarojini
2. S.Kupputhurai
3. A.Ambika
4. P.Ranganayaki

... Petitioners

.. Vs ..

1. M.S.Mohan
2. M.S.Jayapalan
3. M.S.Aruljothy
4. M.S.Somasundaran
5. M.S.Santhakumari
6. M.S.Indira
7. M.S.Renuka
8. M.S.Sudharani
9. C.K.Veeramani
10. C.K.Rajanani
11. Kamalam
12. Sundarai
13. R.Rathinam
14. Kanagaraj @ R.Nandagopal
15. Selvam @ C.R.Venugopal
16. R.Rathinamani

... Respondents



CRP.No.1275 OF 2014

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India against the judgment and decree dated 18.04.2013 in I.A.No.208 of 2013 in O.S.No.253 of 2012 on the file of the Subordinate Judge, Pollachi.

For petitioners : Mr.P.R.Balasubramanian

For Respondents : Mr.M.N.Balakrishnan – R4

No appearance for R2, R6 to R11 &
R13 to R16

J U D G M E N T

This Civil Revision Petition has been filed challenging the Order and decreetal dated 18.04.2013 made in I.A.No.208 of 2013 in O.S.No.253 of 2012 on the file of the Subordinate Judge, Pollachi.

2. The suit in O.S.No.253 of 2012 has been filed for partition. The Interlocutory Application in I.A.No.208 of 2013 has been filed by the petitioners to implead themselves in the above suit as the defendants and permit them to file written statement to contest the suit. The petitioners seek for impleading them in the suit mainly on the ground that the petitioners are



CRP.No.1275 OF 2014

claiming right over the property on the ground of adverse possession. It is the further contention of the petitioners that they have already filed a suit in O.S.No.436 of 2007 claiming adverse possession over the suit schedule property and for permanent injunction. As the subject matter of both the suits are interlinked with each other, the petitioners have to be impleaded as defendants in the suit in O.S.No.253 of 2012.

3. Admittedly, the suit in O.S.No.253 of 2012 has been filed for partition. The petitioners claiming right over the suit property on the ground of adverse possession, have filed an application before the trial Court for impleading themselves as defendants in the suit. The trial Court had dismissed the said application stating that the petitioners are third party to the suit and whether the petitioners can claim adverse possession or not is matter to be decided in the suit in O.S.No.436 of 2007 and the petitioners are no way related to the issue in a suit for partition. I do not find any infirmity in the above Order.



CRP.No.1275 OF 2014

4. Accordingly, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petitions are closed. No costs.

15.02.2022

Index:yes/no

Internet:yes

vrc

To

The Subordinate Judge,

Pollachi.



WEB COPY

VRC



CRP.No.1275 OF 2014

J.NISHA BANU, J.

Civil Revision Petition [PD] No.1275 of 2014

15.02.2022