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C.R.P.(PD) No.1045 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD) No.1045 of 2017
and C.M.P.No.5062 of 2017

Gomathi

... Petitioner/plaintiff

Vs.

1. Nallasamy
2. Chinnammal
3. Subbulakshmi
4. Elakkia
5. Hariprasad
6. C.Nallasamy(Died)
7. A.Chenniappan(Died)
8. A.Palanisamy(Died)
9. A.Gurusamy
- 10.Palanisamy
- 11.Krishnaveni
- 12.C.Nallammal
- 13.C.Vijayakumar
- 14.C.Anbuselvi
- 15.P.Vijayalakshmi
- 16.P.Loganathan
- 17.P.Renuka

... Respondents/Defendants 1 to 5
and proposed parties 1 to 4

(R10 and R11 brought on record as LR's
of the deceased R6 Viz C.Nallasamy vide

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Court order dated 08.06.2022 made in
CMP.No.17502/2021, Respondent 12 to 14 brought on
record as Lrs of the deceased R7 and Respondent 15
to 17 brought on record as Lrs of the deceased R-8
Viz. A.Pallanisamy vide court order dated 08.06.2022
made in CMP.No.17507 of 2021 in CRP.No.1045
of 2017 JNBJ.

PRAYER: Civil Revision Petition has been filed under Article 227 of
Constitution of India praying against the Fair and Final order dated
22.12.2016 in I.A.No.206 of 2016 in O.S.No.175 of 2015 on the file of II
Addl. District Court, Erode, as prayed for to set aside the same.

For Petitioner : Ms.J.Prithvi
for M/s.S.Kaithamalaikumaran

For Respondents : Mr.C.Munusamy for R1 to R5

ORDER

This Civil Revision Petition has been filed to set aside the order
dated 22.12.2016 made in I.A.No.206 of 2016 in O.S.No.175 of 2015
passed by learned II Additional District Court, Erode, whereby, the
Interlocutory application for impleading proposed parties has been rejected.

2. I.A.No.206 of 2016 in O.S.No.175 of 2015 has been filed to
implead the proposed parties as defendants No.6 to 9 in the suit.



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3. Learned Judge has pointed out that though the proposed parties admit that they purchased some properties from the defendants and the said sale has taken place in the year 1986 which is 29 years prior to the suit, the petitioner/plaintiff pleaded that she is deemed to be in joint possession and enjoyment of the suit properties, but has not come forward with a clear case of joint possession or enjoyment of the suit properties. The learned Judge further pointed out that no records produced to show about the possession of the proposed parties and dismissed the application in I.A.No.206 of 2016.

4. Admittedly, the petitioner as *dominus litus*, has got right to implead the proposed parties. According to the petitioner/plaintiff, proposed parties are necessary parties, so that, the question of non-joinder of parties shall not arise.

5. Taking into consideration the nature of relief sought in Interlocutory Application and the reasons stated, this Civil Revision Petition is allowed. The order passed in I.A.No.206 of 2016 in O.S.No.175 of 2015



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on the file of II Addl. District Court, Erode is set aside and the impleading application stands allowed. Consequently, connected miscellaneous petition is closed. No Costs.

23.06.2022

msv

To
The II Addl. District Court, Erode

J.NISHA BANU,J.

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