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C.R.P.No.3749 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3749 of 2018

and

CMP No.20902 of 2018

1. M.Hairunnissa (Died)

2. Jamal Mohamed

3. Mohammed Farook

4. Mohammed Ali

(Petitioners 2 to 4 brought on records as LR's of the deceased sole petitioner viz., M.Hairunnissa vide Court order dated 02.08.2021 made in CMP No.10817 of 2021 \in CRP (PD) No.3749 of 2018

... Petitioners

Vs

1. A.G.Subramaniam

2. V.Ganapathy Asari

3. S. Ganthimathi

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order in I.A.No.188 of 2018 in O.S.No.132 of 2016 dated 25.06.2018 passed by the learned District Munsif, Tiruvarur.

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For Petitioners : Mr.K.Selvakumar

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 25.06.2018 passed in I.A.No.188 of 2018 in O.S.No.132 of 2016 on the file of the District Munsif, Tiruvarur, thereby allowing the petition filed by the first respondent herein to implead himself as one of the defendant in the suit.

2. The deceased first petitioner is the second defendant in the suit filed by the second respondent herein for bare injunction. Pending suit, the first respondent herein filed an application to implead himself as a party to the suit for the reason that he also issued notice dated 27.09.2017 in respect of the very same property to the respondents.

3. A perusal of Ex.P1 reveals that the second defendant already filed a suit in O.S.No.185 of 1980 and obtained decree as against one Veerapathira Achari. Therefore, the suit property is in possession and



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enjoyment of the first respondent herein. Therefore, the Court below rightly allowed the petition in order to avoid multiplicity of proceeding as defended in the suit. That apart, the first respondent also served Caveat to the parties. Therefore, no prejudice would be caused to the petitioner herein by impleading the first respondent as a party in the suit.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 25.06.2018 passed in I.A.No.188 of 2018 in O.S.No.132 of 2016 on the file of the District Munsif, Tiruvarur. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

16.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To

The District Munsif,
Tiruvarur.



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G.K.ILANTHIRAIYAN, J.

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