



CRP(PD)(MD)No.1530 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

C.M.P.(MD)No.6549 of 2022

1. I.Rakkayi
2. I.Irulayi
3. I.Kachammal
4. I.Sangili

... Petitioners

versus

1. R.Ramachandran
2. R.Kala
3. R.Karuppasamy
4. M.Pandi
5. M.Selvam
6. M.Kannan
7. S.Irulayi
8. S.Manokaran
9. S.Mahadevi
10. S.Lakshmi
11. S.Thangaponnu
12. S.Panju
13. S.Vinodkumar
14. A.Rajarathinam



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15. A.Pushbarani

... Respondents

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Civil Revision Petition filed under Article 227 Constitution of India, against the order dated 19.04.2022 made in I.A.No.292 of 2021 in O.S.No.94 of 2016 on the file of the I Additional District Court, Madurai.

For Petitioners : Mr.K.Suresh

ORDER

This Civil Revision Petition is filed against the order dated 19.04.2022 made in I.A.No.292 of 2021 in O.S.No.94 of 2016 on the file of the I Additional District Court, Madurai.

2. The petitioners are plaintiffs 1 to 4 in O.S.No.94 of 2016. The suit was originally filed by the petitioners and the respondents 1 to 6 for partition. Pending the suit, it appears that there was a difference of opinion between the plaintiffs 1 to 4/petitioners herein and plaintiffs 5 to 10/respondents 1 to 6 herein. Therefore, the plaintiffs 5 to 10 filed



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an application under Order 23 Rule 1A C.P.C. to transpose the plaintiffs 1 to 4 as defendants 10 to 13. The plaintiffs 5 to 10 have also taken a specific plea that the plaintiffs 1 to 4 colluded with the defendants and during the cross examination of the 4th plaintiff, he has denied the title of the plaintiffs stating that the defendants are in possession and enjoyment of the suit property. In view of the stand taken by the fourth plaintiff, the plaintiffs 5 to 10 have filed the application under Order 23 Rule 1A C.P.C. The trial Court, by order dated 19.04.2022, allowed the petition holding that transposing plaintiffs 1 to 4 as defendants 10 to 13 does not in any way change the nature of the suit. Aggrieved over the same, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the petitioners submits that in the said suit, trial is over and it is in argument stage. If the plaintiffs 1 to 4 are transposed as defendants 10 to 13, it would delay further process of trial. Therefore, he prayed for setting aside the order passed



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by the trial Court.

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4. This Court considered the arguments made on behalf of the petitioner and also perused the order passed by the trial Court in the said interlocutory application.

5. The plaintiffs 5 to 10/respondents 1 to 6 herein have filed the application under Order 23 Rule 1A C.P.C. for transposing them as defendants 10 to 13 with a specific allegation against the 4th plaintiff that during the cross examination, he has denied the title of the plaintiffs. Therefore, the trial Court has allowed the said application. According to the learned counsel appearing for the petitioners, though the petitioners herein cannot have any serious objection for transposing them as defendants 10 to 13, their grievance is that the process of trial would be further delayed.



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6. Considering the apprehension of the petitioners, this Court, while dismissing the Civil Revision Petition, directs the trial Court to conclude the trial and dispose of the suit, as expeditiously as possible, not later than four(4) months from the date of receipt of a copy of this order.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.07.2022

Index : Yes / No.
Internet: Yes / No.
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To

1. The I Additional District Court,
Madurai.



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B.PUGALENDHI, J.

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