



CRP (MD) No.1920 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.11.2022

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CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**CRP (MD) No.1920 of 2022 and
CMP (MD) No.8693 of 2022**

Jeyaseelan

... Petitioner

Vs

1.Pasumpon Arasu
2.Krishnammal
3.Ganesan
4.Pandian
5.Karukkuvel
6.Santhi
7.Ponmalini
8.Pappathi
9.Dhanam @ Dhanalakshmi
10.Poongodi
11.Vanitha
12.Sumathi
13.Manikandan
14.Eswari
15.Nagalakshmi
16.Muniammal
17.Mariammal
18.Karuppasamy
19.Mahalakshmi

... Respondents

[R1,3 to 11 and 15 to 19 were set
ex-parte before the lower Court and
hence, they are given up]

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 14.07.2022 passed in IA.No.88 of 2021 in OS.No.244 of 2013 on the file of the Additional Sub Court, Palani insofar as dismissal of proposed respondents 12 to 14 is concerned and direct the Additional Sub Court, Palani to implead the proposed respondents 12 to 14 as defendants 12 to 4 in OS.No.244 of 2013.

For Petitioner : Mr.R.Rajaraman



ORDER

WEB COPY This civil revision petition is filed to set aside the fair and decreetal order dated 14.07.2022 passed in IA.No.88 of 2021 in OS.No.244 of 2013 on the file of the Additional Sub Court, Palani insofar as dismissal of proposed respondents 12 to 14 is concerned.

2.The petitioner has filed a suit in OS.No.244 of 2013, Sub Court, Palani for the relief of partition that he is entitled for the relief of partition that he is entitled for 1/18 share in the suit property. The plaintiff's evidence was over and the trial is posted for cross examination of DW2. At this stage, the petitioner has filed an interlocutory application in IA.No.88 of 2021 under Order I Rule 10 CPC to implead the proposed defendants 12 to 14 as parties to the suit proceedings that the second defendant by obtaining forged legalheirship certificate has sold some of the suit mentioned properties of the proposed respondents and therefore, the proposed respondents are necessary parties to the suit proceedings. The said application was dismissed by the trial Court on 14.07.2022. Aggrieved over the same the present civil revision petition is filed.



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3. The suit was filed in the year 2013 for injunction. Admittedly proposed respondents have purchased the property pending the suit and the sale is subject to Section 52 of the Transfer of Property Act. Therefore, this Court is not inclined to interfere with the orders of the trial Court. Accordingly, this civil revision petition is dismissed. No costs. Consequently connected miscellaneous petition also stands dismissed.

09.11.2022

dsk

To

The Additional Sub Judge,
Palani.



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B. PUGALENDHI, J.

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