



WEB COPY



CRP No.1188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.1188 of 2023

and

C.M.P. No.8189 of 2023

B.Babu

... Petitioner

Versus

N.Jayaraman (Deceased)

1.S.Surendran

2.J.Thiru Venkatesan

3.Saravanan

4.Ramalingam

5.Rajendran

6.Thulasi

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the Fair Order and Decreetal Order dated 19.12.2022 in I.A.No.270 of 2020 in O.S.No.177 of 2003 on the file of the District Munsif Court, Chengalpattu.

For Petitioner	:	Mr.Avinash Wadvani
For R1	:	Died
For R 2	:	Mr.P.N.Vignesh
For R 3 to R5	:	Insufficient Address
For R6	:	Refused



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ORDER

The petitioner has filed this revision petition to set aside the Fair Order and Decretal Order dated 19.12.2022 in I.A.No.270 of 2020 in O.S.No.177 of 2003 on the file of the District Munsif Court, Chengalpattu.

2. Before the trial Court the petitioner has filed application to implead himself as 5th defendant in the suit and the same was dismissed by the learned trial Judge holding that he purchased the property during pendency of the suit proceedings, and the suit is pending from the year 2003. The application has been filed by the 3rd party, when the case is posted for defendant side evidence as such is not been acceptable and he is unnecessary party to the proceedings, since the sale is held by principle of lis-pendence.

3. On a perusal of the records, it reveals that the petitioner purchased the property in the year 2004 but the suit was filed in the year 2003. As per the purchase, he is in possession of the property. Originally, suit was filed for the relief of declaration and permanent injunction. Though he purchased the property during pendency of the suit proceedings, now the title is resisted according to him by the 3rd party.

4. On seeing the fact that most of the respondents are aged more than 72



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years, to avoid multiplicity of proceedings this Court is inclined to allow the application. The learned District Munsif, Chengalpattu is directed to giving opportunity to both the parties in the manner known to law and after impleading, liberty shall be granted to both the parties to file reply and additional written statement and dispose of the case within a period of two months from the date of receipt of a copy of this order.

23.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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To

1. The District Munsif Court, Chengalpattu.
2. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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