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C.R.P.No.3180

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.3180 of 2016

and

C.M.P.No.16157 of 2016

Kamaraj

...Petitioner/petitioner/plaintiff

Vs.

1.Hari Prasad

2.Aarthi

3.Varatharajan

4.P.Mani

5.M.Somasundaram

....1 to 5 Respondents/Respondents/Defendants.

6.M.Venkatasalam

7.K.Sathishkumar

8.Minor K.Ramesh Kumar

9.F.Fathimabi

10.A.Jayalakshmi

11.M.Palanimuthu

12.P.Periammal

13.R.Navanedhakumar

14.S.Gurusubramanian

15.G.Padma

16.V.Ramesh

17.R.Venkatasubramanian

18.S.Kalyanaraman

19.M.Saraswathy

20.Minor.Baranidharan



C.R.P.No.3180

- 21.Minor.Karthik
- 22.M.Manjula
- 23.A.Sellamuthu
- 24.R.Malar
- 25.M.Mayil
- 26.R.Ponnusamy
- 27.S.Kana Sevanthi
- 28.Chinnu Padayachi
- 29.P.Ponnammal
- 30.P.Murugesan
- 31.S.Vasudevan
- 32.A.Noorjeehan
- 33.T.Baskar
- 34.N.Sridhar ...6 to 34 Respondents/Proposed respondents/Defendants

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 01.07.2016 passed in I.A.No.486 of 2009 in O.S.No.72 of 2007 on the file of the Subordinate Judge of Attur dismissing the petition.

For Petitioner : Mr.A.Rajakumar
For Respondents :
For RR 15,17,22 and 24 : Ms.Zeenath Begum
For RR 1 to 3 : Ms.L.Mouli
For RR8,10 to 12, 16,
18 to 21, 23, 25, 26, 28 to 31
32 and 34 : -No Appearance-
For RR 8, 20 and 21 : Mrs.Periammal
: by their mother.
For RR4 to 7, 9 and 13,14,
27 and 33 : -Not Ready in Notice-

ORDER

This revision arises against the order of dismissal of a petition to implead



Respondent Nos.6 to 34 as party defendants to the suit. Between the plaintiff and defendant Nos.1 to 5, there was a suit. The first and second defendants are represented by their mother in O.S.No.72 of 2007 on the file of the subordinate judge at Attur that ended into a compromise on 27.04.2007, whereunder properties were allotted to the defendant Nos.1 and 2. The defendant Nos.1 and 2 have alienated the property in favour of the proposed respondent Nos.6 to 34. The alienation was on the basis of the compromise.

2. While it is one side of the story, according to the plaintiff in O.S.No.72 of 2007, certain monies, which were to be paid under the compromise, were not paid. Therefore, they filed yet another suit in O.S.No.72 of 2007 seeking for cancellation of the decree in O.S.No.22 of 2002. In this suit, he wants to implead certain parties who have purchased the property from Defendant Nos.1 and 2. Unless and until the plaintiff succeeds in O.S.No.72 of 2007, he cannot reach to the properties which are the subject matter in O.S.No.22 of 2002.

3. The issue in this suit is whether the decree which is sought to be cancelled is null and void or whether it is a valid one. In these proceedings, subsequent purchasers from defendant Nos.1 and 2 are neither proper nor



C.R.P.No.3180

necessary. Hence the application to implead them in I.A.No.486 of 2009 was rightly dismissed by the Trial Court and does not require any interference.

V. LAKSHMINARAYANAN, J.

nst

4. This civil revision petition stands dismissed with the above observations. No costs. Connected civil miscellaneous petition is closed.

31.07.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

nst

To:
The Subordinate Judge, Attur.



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C.R.P.No.3180

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