



WEB COPY

CRP(NPD)No.159



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(NPD)No.1590 of 2014
and M.P.No.1 of 2014**

1.P.Velliangiri
2.T.Ambigavathi

... Petitioners

Vs.

1. Madapalli Uzhavargal Kootturavu Seva Sangam
Represented by its President
Tiruppathur, Vellore District.

Nachimuthu Gounder (died on 02.10.2010)

2. The Deputy Registrar of Co-operative Societies
Tirupattur Circle
Tirupattur, Vellore District.

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 03.04.2013 made in I.A.No.109 of 2012 in I.A.No.706 of 2011 in A.S.No.Nil of 2011 on the file of the Principal Sub Court, Erode.

For Petitioners : Mr.S.Kaithamalai Kumaran

For R1 : Mr.Rubin



for Mr.R.V.Amarnath

For R2

: Mr.B.Tamil Nidhi
Additional Govt. Pleader

ORDER

This revision has been preferred by the third parties to the suit in O.S.No.515 of 2007 on the file of the Principal District Munsif Court at Erode.

2. O.S.No.515 of 2007 was instituted by one Nachimuthu Gounder, who passed away on 02.10.2010. Before going to meet his maker, he had alienated the property on 01.02.2008 in favour of the Civil Revision Petitioners. Taking note of the fact that an appeal is pending *albeit*, in an un-numbered stage in A.S.No.Nil of 2011 (CFR.No.12125 of 2014) before the learned Principal Subordinate Judge at Erode, the petitioners filed an application to implead themselves as subsequent purchasers from Nachimuthu Gounder. The learned Judge dismissed the application on the ground that the appeal is not pending, but only the condone delay application is pending and therefore, the petitioners are not proper and necessary parties to the proceedings. This application was dismissed by an order dated 03.04.2013 and that is sought to be revised by the third parties to the said proceedings by way of this revision.

3. By virtue of Order XXII Rule 10 of the C.P.C., the petitioners stepped into

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the shoes of Nachimuthu Gounder and any order that will be passed in the suit or in the appeal will adversely affect them. Even in the interlocutory stage, they are proper and necessary parties. That becomes irrelevant in the light of the order that I have passed today in C.R.P.No.4330 of 2015. By that order, I have allowed the revision and directed the 2nd defendant/appellant to pay a sum of Rs.5,000/- each per petition to condone the delay in filing the application to restore the application filed to condone the delay in representation and the application filed to condone the delay in representation of the appeal itself. The delay having been condoned and direction having been given to number the appeal, the rights of the parties have to be decided in the First Appeal. In such circumstances, the Civil Revision Petitioners being purchasers of the property, are proper and necessary parties, to the proceedings.

4. Therefore, in the event, if the petitioners in C.R.P.No.4330 of 2015 complies with the direction of this Court vide order dated 05.07.2023 and are getting the appeal restored to the file, the revision petitioners in C.R.P.No.1590 of 2014 shall be impleaded as they are proper and necessary parties. Consequently, C.R.P.No.1590 of 2014 is allowed.

5. On the appeal being restored to file, the learned Principal Subordinate Judge, Erode, shall implead the revision petitioners as parties to the appeal. The time limit granted in C.R.P.No.4330 of 2015 shall be strictly adhered to and a report should be



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submitted before this Court after the disposal of the matter. No costs. Consequently,
connected Miscellaneous Petition is closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

The Principal Subordinate Judge
Erode.



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V.LAKSHMINARAYANAN,J.

Kj

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