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CRP No.3602 of 2023
and CMP.No.22537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.R.P.No.3602 of 2023
and
C.M.P.No.22537 of 2023

J.Vinod

... Petitioner

Versus

1.M.Ramamoorthy
2.M.Srinivasan
3.Pushpa
4.Vanaja
5.Jothi
6.F.M.Foundations (P) Ltd.,
Represented by Sivagnana Kumar,
S/o. Mr.Sundrakumar,
Govindsami Nagar, Madipakkam,
Chennai-600 091.

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to direct the learned Sub-Judge, Tiruvallur to number the IA (SR). No.564 of 2023 for impleading the petitioner in O.S.No.30 of 2012 on merits.

For Petitioner : Mrs. Subhasree.



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ORDER

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The petitioner has filed this petition, to direct the learned Sub-Judge, Tiruvallur to number the IA (SR). No.564 of 2023 for impleading the petitioner in O.S.No.30 of 2012 on merits.

2. The learned counsel for the petitioner submitted that the petitioner wants to implead himself as the 6th defendant in the main suit in O.S.No.30 of 2012, on the ground that he had purchased a portion of property on 18.04.2013, comprised in S.No.163/1B and 163/1C having an extent of 60 cents located in Tiruvallur District, Vanur Village during the pendency of the said suit, but before passing of the preliminary decree. Suppressing the suit proceedings, sale deed was executed. He claims that he is the absolute owner of the said property to the extent of 60 cents, therefore, he wants to implead himself as one of the parties in the suit proceedings. But, the impleading application in I.A.(SR).No.564 of 2023 was returned by the learned trial Judge. Hence, he has filed this petition with the above prayer.

3. On a perusal of the document, it clearly reveals that the learned trial Judge not applied the legal proposition and without considering the legal consequences, had simply returned the application, stating that the petitioner



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is not a party to O.S.No.30 of 2012. The petitioner represented the petition with necessary particulars. Admittedly, he had also produced a proof during the pendency of the suit proceedings. Therefore, he has to be impleaded as a necessary party in the suit proceedings. He has a valid reasons to defend the case, if not impleaded, his rights will be defeated.

4. In view of the above, the learned Sub-Judge, Tiruvallur is directed to number the IA (SR). No.564 of 2023, petition for impleading the petitioner, in O.S.No.30 of 2012, and dispose of the case on merits, within a period of three months from the date of receipt of a copy of this order.

5. Registry is directed to return the original impleading petition to the petitioner.

6. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No Costs.

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Index : Yes/No
Speaking/Non Speaking order
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T.V.THAMILSELVI, J.



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To

- 1.The Sub-Judge, Tiruvallur.
- 2.The Section Officer,
VR-Section, High Court of Madras.

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C.M.P.No.22537 of 2023

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