



C.R.P.No.3662 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE T.V.THAMILSELVI

C.R.P.No.3662 of 2022 &
C.M.P.No.19407 of 2023

Balakrishnan

... Petitioner

Vs.

1.K.Ramalingam

2.S.Visalakshi

3.Sakthivel

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and final order dated 21.09.2022 passed in I.A.No.206 of 2022 in O.S.No.4 of 2016 on the file of the III Additional District Judge, Villupuram @ Kallakurichi.

For Petitioner : Mr.R.Valliappan

For Respondents : No appearance

ORDER

Challenging the order dated 21.09.2022 passed in I.A.No.206 of 2022 in O.S.No.4 of 2016 by the learned III Additional District Judge, Villupuram @ Kallakurichi, the revision petitioner, who is the third party to the suit, has



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preferred this revision.

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2. Learned counsel for the petitioner submits that the petitioner purchased the property on 12.04.2013. However, the said suit has been filed against the respondents 2 and 3 alone by the first respondent, without impleading the petitioner who is the real owner of the suit property. The suit was filed for the relief of specific performance of agreement dated 09.08.2010. Hence, the petitioner filed I.A.No.206 of 2012 to implead himself in the suit. It is case of the petitioner that the trial court dismissed the said interlocutory application failing to consider that the petitioner has purchased the subject property in the year 2013 itself in Document No.1272 of 2013 registered before the Sub Registrar, Kallakurichi. Hence, the learned counsel for the petitioner seeks for allowing the present civil revision petition.

3. This Court after considering the materials placed on record and submission of the learned counsel for the petitioner is of the view that the trial court ought to have considered the documents filed by the petitioner before the trial court in I.A.No.206 of 2016 to substantiate his case that he



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had purchased the suit property well in the year 2013 itself and that he was a necessary party to the suit. Accordingly, the impugned order in I.A.No.206 of 2022 in O.S.No.4 of 2016 is set aside and the same is allowed. The trial court is directed to implead the petitioner as a party in the suit. The petitioner is at liberty to file the written statement.

4. With the above directions, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No



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To

1.The III Additional District Judge, Villupuram @ Kallakurichi.



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T.V.THAMILSELVI,J.

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