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C.R.P.(PD)No.3447 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.3447 of 2017

and

CMP.Nos.15984 of 2017

- 1.K.V.Perumal (Died)
- 2.Ravikumar
- 3.A.Asokan
- 4.K.Shanmugham
- 5.A.Madhaiyan (Died)

- 6.P.Devaki
- 7.P.Saravanan
- (P6 & P7 brought on record as LR's of the deceased
- 1st Petitioner viz. K.V.Perumal vide court order
- dated 17.07.2023 made in CMP.Nos.13131, 13139, 13140,
- 13142, 13134, 13132 & 13136 of 2023 in CRP(PD)No.3447 of 2017)

- 8.Saroja
 - 9.Gopal
 - 10.Sivakami
 - 11.Minor Anuvarsha
 - 12.Minor Nakul
- .. Petitioners
- (P8 to P12 brought on record as LR's of the deceased
- 5th Petitioner viz. Mathaiyan vide court order
- dated 17.07.2023 made in CMP.Nos.13131, 13139, 13140,
- 13142, 13134, 13132 & 13136 of 2023 in CRP(PD)No.3447 of 2017)

VS

- 1.Mohan
- 2.Mani
- 3.Oomaiyan @ Vaithi



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4.Muthusamy (Died)

5.Seeni @ Srinivasan

6.Raja

7.S.A.Mani

8.Amaravathy

(R8 brought on record as LR of the deceased

4th Respondent viz. Muthusamy vide court order

dated 17.07.2023 made in CMP.Nos.13131, 13139, 13140,

13142, 13134, 13132 & 13136 of 2023 in CRP(PD)No.3447 of 2017)

9.M.Malarkodi

10.Navaneetham

.. Respondents

(R9 & R10 brought on record as LR of the deceased

1st Petitioner viz. K.V.Perumal vide court order

dated 17.07.2023 made in CMP.Nos.13131, 13139, 13140,

13142, 13134, 13132 & 13136 of 2023 in CRP(PD)No.3447 of 2017)

Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the District Munsif Court at Sankari, dated 04.03.2017 in I.A.No.1776 of 2016 in O.S.No.177 of 1996 inter-alia.

For Petitioners : Mr.T.Deeraj
for Mr.P.Valliappan

For Respondents : Mr.R.Marudhachalamoorthy
(for R2, R4 to R6)

No Appearance (for R1, R3 & R7)

ORDER

The fifth petitioner Mr.A.Madhaiyan had purchased the property from the plaintiffs by way of a registered sale deed on 07.10.2010. As per Order 22 Rule 10 read with Section 146 of CPC, the rights and liabilities of the vendors are assigned to the purchaser. Therefore, the fifth



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petitioner is a proper and necessary party to the suit though he is a *lis pendens* purchaser. The trial Judge dismissed the application in I.A.No.1776 of 2016 in O.S.No.177 of 1996 by an order dated 04.03.2017. In the light of the above, the said order is set aside and the civil revision petition is allowed.

2.The suit being of the year 1996, the District Munsif, Sankari is requested to give priority to the case and dispose of the same within a period of nine (9) months from the date of filing of amended plaint copy.

3.For the delay in filing the impleading application for a period of six (6) years, the fifth petitioner shall pay a sum of Rs.10,000/- (Rs.2,500/- to each of the respondents, in all, Rs.10,000/-). To make it clear, Rs.2,500/- shall be paid to the defendants 2, 4, 5 & 6 in the trial Court. No costs. Consequently, connected miscellaneous petition is closed.

17.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The District Munsif Court,
Sankari.



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V. LAKSHMINARAYANAN,J.

VS

**C.R.P.(PD)No.3447 of 2017
and CMP.Nos.15984 of 2017**

17.07.2023