



C.R.P.No.3984 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM:

THE HONOURABLE Mr. JUSTICE V. LAKSHMINARAYANAN

Civil Revision Petition.No.3984 of 2017
and
C.M.P.No.18596 of 2017

Malarkodi

... Petitioners

Vs.

1.A.Chandrakala

2.Devakanni

3.M.Kasthuri

4.T.Indira Gandhi

5.M.Vijaya

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 16.08.2017 made in I.A.No.643 of 2012 in O.S.No.20 of 2010 on the file of the Court of the Subordinate Judge, Ranipet, Vellore District.

For Petitioners : Mr.T.P.Prabakaran



ORDER

WEB COPY The petitioner has filed a suit for partition claiming 1/5th share. A portion of the property has been purchased by the first respondent i.e., first item of the suit schedule mentioned property. The purchase was made on 21.10.2009. The partition suit was presented on 28.01.2010. The said suit ended in an exparte decree on 27.08.2010.

2. Coming to know about the preliminary decree, an application has been filed by the purchaser of property prior to filing of the suit, to be impleaded in the same. The said application has been dismissed.

3. Heard Mr.T.P.Prabhakaran, the learned counsel appearing for the petitioner. The respondent has been served but has not been entered appearance.

4. In a suit for partition, all co-owners have to be impleaded. Any person having claim in the property is also entitled to be impleaded in such a suit. The suit itself had been presented after the purchase by the first respondent. Therefore, even on the date of presentation of the plaint, she should have been made as party to the suit. That not having been done,



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coming to know about the suit, the purchaser has voluntarily come and subjected herself in jurisdiction of the Court, by filing an impleading application. The purchaser of joint family, is not only entitled to be made a party to suit, but can also enforce partition independently. Therefore, her presence is just and necessary. She is proper and necessary party to the suit.

5. Accordingly, this Civil Revision Petition is Allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2023

jai
Index:Yes/No
Speaking Order: Yes/No

To
The Subordinate Judge,
Ranipet, Vellore District.



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V. LAKSHMINARAYANAN
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