



C.R.P.No.4938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

C.R.P.No.4938 of 2023

and

C.M.P.No.29026 of 2023

S.Manoharan

... Petitioner

-Vs-

1. S.Ravindran

2. D.Ashok

3. V.Suguna

4. A.P.Ranganathan

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and final order of the learned 3rd Addl. Subordinate Judge, Coimbatore made in I.A.No.01 of 2021 in O.S.No. 264 of 2012 dated 28.08.2023.

For Petitioner

: Mr.M.R.Thangavel

ORDER

Challenging the impugned order passed in I.A.No.01 of 2021 in O.S.No.264 of 2012 passed by the learned III Addl. Sub-Judge,



C.R.P.No.4938 of 2023

Coimbatore, the Revision Petitioner/1st defendant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/1st defendant filed an application to implead purchasers of the property as proposed defendants 8 to 10 in the suit for proper adjudication. That application was objected by the 1st respondent/plaintiff stating that those properties were purchased by the proposed party in the year of 2006 and 2010 and they are bonafide purchasers and they are necessary party to the proceedings. Considering both side submissions, the trial judge held that the sale was effected in the year of 2006 and 2010 and as the properties were purchase prior to the filing of the suit, they are not necessary parties to the proceedings, thereby it was dismissed. Aggrieved over the same, the revision petitioner/1st defendant preferred this Civil Revision Petition.



C.R.P.No.4938 of 2023

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4. The learned counsel for Revision Petitioner would submit that at the time of evidence, only they came to know that the properties were already sold. But, the said properties were included as a suit properties by the plaintiff. Therefore, they wanted to implead the purchasers of properties as defendants 8 to 10 in the suit. But, without considering his submissions, the trial judge dismissed the application. Hence, he prayed to set aside the findings of trial judge.

5. Admittedly, as on date, no finality was reached in the suit. The 1st respondent/plaintiff filed a suit for partition and all necessary parties are to be impleaded, since because the proposed parties purchased the property in the year of 2006 and 2010, but those properties also shown as one of the item in the suit property. So, they are necessary parties to the proceedings and by impleading them, no prejudice would be caused to them nor it would not change the character of the suit. If at all, sale is made by the proposed parties much prior to the filing of suit can be decided at the time of trial. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in I.A.No.01 of 2021 in O.S.No.264 of



C.R.P.No.4938 of 2023

2012 is set aside and the said application is ordered to be allowed. Liberty is granted to both parties to file their additional reply statement as expeditiously as possible. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The III Addl. Sub-Judge, Coimbatore.



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C.R.P.No.4938 of 2023

T.V.THAMILSELVI, J.

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C.R.P.No.4938 of 2023

22.12.2023