



WEB COPY

C.R.P.No.3613



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.3613 of 2018

and

C.M.P.No.20198 of 2018

1.K.Jaya

2.M.P.Kandasamy ...Petitioners/Respondents 1 and 2
/Petitioners/Defendants 1 and 2.

Vs.

1.Vasanth ...1st Respondent/Petitioner/Third Party/Third Party

2.Jambulingam ...2nd Respondent/2nd Respondent/3rd Respondent/Plaintiff

3.Muniyan

4.Palaniappan

5.Shakunthala

6.Chandrasekaran

7.Eshwari

8.Karupayee

9.Sundarambal ... Respondents 3 to 9 / Respondents 4 to 10

...Respondents 2 to 8 / Defendants 3 to 9

Rayappan (Died)

10.P.Chinnusamy

11.Chithayee

12.Murugesan



13.Sithaiyan

14.Muniyammal

15.Irusammal. ...Respondents 10 to 15 / Respondents 12 to 17

/ Respondents 10 to 15 / Defendants 11 to 16

Prayer:Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the fair and decreetal order dated 04.08.2013 made in I.A.No.91 of 2018 in I.A.No.90 of 2018 in O.S.No.565 of 2004 on the file of the Ist Additional District Munsif Court, Bhavani.

For Petitioner	:	Mr.Anandhamurthy
For Respondents	:	
For R1	:	Mr.N.Kolantaivelu
	:	for Mr.K.Raja
For RR4,5,6,7,10,12,13	:	-No Appearance-
For R8	:	Died
For R9	:	Insufficient Address
For R11	:	Left
For RR,2,3,14,15	:	No Residence.

ORDER

The first respondent herein has already filed O.S.No.363/2016 on the file of the District Munsif Court at Bhavani. In that suit, she has made a claim that she is entitled to 8/56th share namely half share from the allotment made in favour of her father Muniyan. Muniyan was allotted 16/56th share in O.S.No.565 of 2004. He sold out his share in favour of respondent Nos.1 and 2 namely K.Jaya and M.P.Kandasamy.



C.R.P.No.3613

2.The present application is to implead her in O.S.No.565 of 2004. The first respondent having filed a separate suit for declaration and for partition, she is not a proper and necessary party in the proceeding between the purchasers from her father and her father. Whatever rights she has, she is entitled to work it out in O.S.No.363 of 2016. She is not a proper or necessary party in the application filed for passing of further preliminary decree in O.S.No.565 of 2004. Reserving her right to proceed in O.S.NO.363 of 2016, the petition to implead her is set aside in O.S.No.565 of 2004.

3.This Civil Revision Petition stands allowed. No Costs. Connected Miscellaneous Petition is closed.

28.07.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
nst
To:
The
Ist Additional District Munsif Court,
Bhavani.



WEB COPY



C.R.P.No.3613 of 2018

V. LAKSHMINARAYANAN, J,

nst

C.R.P.No.3613 of 2018
and
C.M.P.No.20198 of 2018

28.07.2023