



C.R.P.(MD)No.2527 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2527 of 2023

and

C.M.P.(MD)No.13111 of 2023

1.Chinnammal

2.Suselaa

3.Sasikala

4.Saravnan

: Petitioners/Petitioners/
3rd Party

Vs.

1.Kala @ Suriyakala

2.S.Selvarani

3.Yogalakshmi @ Indirajothi

4.Sivagami Ammal (died)

: Respondents/ Respondents/
Plaintiffs

5.Ramar @ Subramaniyan

6.Periya samy

7.Aarasilan

: Respondents/ Respondents/
Defendants



C.R.P.(MD)No.2527 of 2023

WEB COPY

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 01.07.2023 passed in I.A.No.1 of 2022 in O.S.No.82 of 2000 on the file of the District Munsif Court, Thuraiur.

For Petitioners : Mr.D.Senthil,
for Mr.N.Anandakumar

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2023 in O.S.No.82 of 2022, dated 01.07.2022, dismissing the petition filed under Order 1 Rule 10 C.P.C.

2. The respondents 1 to 4 have filed the above suit against the respondents 5 to 7 for partition and preliminary decree came to be passed on 18.02.2015; that the final decree petition came to be filed in I.A.No. 472 of 2015 and an Advocate Commissioner was appointed and that he has already filed the report suggesting the allotment of shares in pursuance of the preliminary decree.

3. Pending final decree petition, the petitioners claiming that their father has purchased the property from the second defendant, has filed the



C.R.P.(MD)No.2527 of 2023

above application, seeking orders to implead them as parties in the suit. As already pointed out, the suit was laid in the year 2000 and preliminary decree was passed in the year 2015 and that the final decree petition is now pending.

4. The learned Judge by observing that though the petitioner's father purchased the property in 2007 neither the second defendant nor the petitioner's father has taken any steps to get themselves impleaded; that the suit was pending for more than 23 years and that though the petitioner's father died in the year 2010; they have not taken any steps.

5. As rightly observed by the learned trial Judge, after the death of the petitioner's father, the petitioners are entitled to get the shares, which is to be allotted to their vendor namely, the second defendant, since the petitioner's father has purchased the property, during the pendency of the above suit.

6. Considering the entire facts and circumstances of the case, the order of the trial Court in dismissing the petition cannot be found fault



C.R.P.(MD)No.2527 of 2023

WEB COPY

with. Hence, this Court concludes that the civil revision is devoid of merits and the same is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed.
Consequently, connected Miscellaneous Petition is closed. No costs.
Consequently, connected Miscellaneous Petition is closed.

30.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The District Munsif, Thuraiur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.2527 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2527 of 2023
and
C.M.P.(MD)No.13111 of 2023

Dated : 30.10.2023