



C.R.P.(MD)Nos.2581 and 2582 of 2023

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DATED: 10.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2581 and 2582 of 2023

and

C.M.P.(MD)No.13427 of 2023

Mariappan

... Petitioner/
Petitioner/
Purchaser in both
petitions

Vs.

1. Savithiri

... 1st Respondent/
1st Respondent/
Plaintiff in both
petitions

2. Panjuammal

3. Kasinathan

4. Kajamohideen

...Respondents 2to4/
Respondents 2to4/
Defendants in both
petitions

Common Prayer : These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated



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31.08.2023 made in I.A.Nos.4 and 5 of 2023 in O.S.No.189 of 2022 on the file of the Sub Court, Keeranur and allow these Civil Revision Petitions.

(in both petitions)

For Petitioner : Mr.R.L.Dhilipan Pandian

COMMON ORDER

These Civil Revision Petitions are directed against the orders passed in I.A.Nos.4 of 2023 and 5 of 2023 in O.S.No.189 of 2022 dated 31.08.2023 on the file of the Sub Court, Keeranur, dismissing the petitions to reopen the case and for impleadment under Order 22 Rule 10 C.P.C.

2. It is evident from the records that the first respondent/plaintiff has filed a suit in O.S.No.261 of 2003 for specific performance against the respondents 2 to 4/defendants before the Sub Court, Pudukkottai and the same was transferred to the Sub Court, Keeranur and renumbered as O.S.No.189 of 2022, that *ex parte* decree came to be passed and execution was laid and the revision petitioner has purchased the property, that subsequently, the respondents 2 to 4/defendants have filed an application for setting aside the *ex parte* decree and the same was dismissed by the trial Court, that when the same was challenged before this Court, this



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Court has allowed the revision and set aside the *ex parte* decree and that thereafter, the trial was proceeded and now the case stands posted for arguments.

3. The revision petitioner, who is the purchaser in pursuance of the *ex parte* decree, has filed the above applications to get himself impleaded and for that purpose, to reopen the case which stands posted for arguments. As rightly observed by the learned Subordinate Judge, the revision petitioner as of now is not having any *locus standi* to get himself impleaded, as, at present he is not having any right, title or interest over the suit properties.

4. As already pointed out, *ex parte* decree has already been set aside by this Court and as such, the sale deed obtained by the revision petitioner has become invalid automatically. Considering the above, the impugned orders dismissing the petitions cannot be found fault with. Hence, this Court concludes that the revisions are devoid of merits and the same are liable to be dismissed.



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5. In the result, these Civil Revision Petitions are dismissed.

However, the revision petitioner is at liberty to take appropriate proceedings against the first respondent/plaintiff before appropriate forum.

Consequently, connected Miscellaneous Petition is closed. No costs.

10.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Sub Court,
Keeranur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)Nos.2581 and 2582 of 2023
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C.M.P.(MD)No.13427 of 2023

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