



C.R.P.(PD).No.858 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.858 of 2019

and

C.M.P.No.5576 of 2019

J.Radhakrishnan

... Petitioner

VS

1.S.N.Karthikeyan

S.Narayanasamy (died)

2.V.Damayanthi

3.R.Vasanthakumar

4.Karpagam Infrastructures Pvt. Ltd.,
Rep. by its Managing Director,
R.Vasanthakumar,
S/o. R.Rajagopal, Hindu full aged,
R/o Door No.14A,
LIC colony, SIDCO, Kurichi,
Coimbatore – 641 021.



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5.Karpagam Industries Pvt. Ltd.,
Rep. by its Managing Director,
R. Vasanthakumar,
S/o. R.Rajagopal, Hindu full aged,
R/o Door No.14A,
LIC colony, SIDCO, Kurichi,
Coimbatore – 641 021.

Dhanush (died)

6.Minor Thulasi Shyamala,
Rep. by her guardian and next friend Ayyappan,
Aged 17 years, R/o Door No.91/147,
Dindigul Road, Palani Town, Palani,
Dindigul District.

7.N.Rajendran

8.S.Kalaivani

9.The Sub-Registrar,
Sub-Registrar's Office,
Palani

10.The Tahsildar, Taluk Office,
Palani

11.Ayyappan

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair order and decreetal order dated 04.01.2019 passed in I.A.No.715 of 2018 in O.S.No.705 of 2010 on the file of the V Additional District Judge, Coimbatore.



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For Petitioner : Mr.K.M.Ramesh
Senior Advocate
for M/s.S.Apunu

For R1 : Mr.P.Saravana Sowmiyan

For R2 to R5 : Mr.K.Sukumaran

For R6 : Mr.Roshan Atiq.M

For R9 and R10 : Mr.C.Sathish
Government Advocate

For R7 and R8 : No Appearance

For R11 : Batta Due

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner/3rd party for impleading himself as a proposed 13th defendant in the suit.

2. The 1st respondent herein filed a suit for partition. It is the case of the revision petitioner that his property has been included as portion of 1st Item of suit property. Therefore, the petitioner herein wants to come on record as a



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party defendant. The said impleading application was dismissed by the Court below on the ground that the application has been filed after long time, when the suit is posted for recording defendants' side evidence.

3. When the civil revision petition is taken up for hearing, the learned counsel appearing for the contesting 1st respondent/plaintiff, on instructions, submits that the 1st respondent/plaintiff has no serious objection for allowing the impleading application and therefore, suitable orders may be passed in the revision for impleading the petitioner as proposed party defendant in the suit.

4. It is settled law that plaintiff in the suit is the *dominus litis* and in the case on hand, the 1st respondent/plaintiff has no serious objection for impleading the petitioner as a party defendant.

5. In such circumstances, the Civil Revision Petition is allowed by setting aside the fair and decreetal order passed by the Court below. The application in I.A.No.715 of 2018 filed for impleading the petitioner stands allowed.



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6. Having regard to the fact the suit is of the year 2010, the Court

below is directed to dispose of the suit as expeditiously as possible. No costs.

Consequently, the connected civil miscellaneous petition is closed.

29.01.2024

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

dm

To

The V Additional District Judge,
Coimbatore.



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S.SOUNTHAR, J.

dm

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