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C.R.P.No.1685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.1685 of 2024
and
C.M.P.Nos. 8883 & 8886 of 2024

D.Raja

.. Petitioner

VS

1.Indrani
2.Vijay Anand
3.Dhanalakshmi
4.Eswaran
Ravi (Died)
5.Rani
6.Gomathi
7.Gokila
8.Anand
9.Susila
10.Nikil
11.Nithin
12.Latha
13.Sarojini
14.Valarmathi

.. Respondents

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 07.11.2023 made in I.A.No.07 of 2023 in O.S.No.463 of 2017 on the file of the Principal Subordinate Judge, Tiruppur.



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For Petitioner : Mr.V.C.Janarthanan
for Mr.N.Anand
For Respondents : Ms.E.Akila for R1

ORDER

The civil revision petition is preferred against dismissal of an impleading application in I.A. No.7 of 2023 in O.S.No.463 of 2017.

2. During the course of the arguments, it transpires that O.S.No.463 of 2017 has been decreed on 20.11.2023. The application for impleading was dismissed for not taking steps under Order IX Rule 2 C.P.C. If the petitioner is aggrieved by the decree passed in O.S. No.463 of 2017, his remedy is to prefer an appeal against the decree and seek leave of the Court to file the said appeal. See, ***K.Ponnalagu Ammani vs. State of Madras, 1952 SCC OnLine Mad 300.***

3. The argument of Mr.V.C.Janarthanan is that the proposed party's position in law has been fortified by a decree of Court in his favour. In such circumstances, I am sure that if he seeks for leave to file appeal against a decree before the learned District Judge, Tiruppur, it will be certainly considered positively.



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4. With the above observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2024

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

The Principal Subordinate Judge,
Tiruppur.



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V. LAKSHMINARAYANAN,J.

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