



C.R.P.No.1455 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.1455 of 2021

and

C.M.P. No.11351 of 2021

R. Srikanth S/o. Ramakrishnan

... Petitioner

vs.

1. Santhi W/o. Rajaram

2. R. Kumar S/o. Ramakrishnan

3. Kiruparani W/o. V.V. Sathiyarayanan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order of the learned I Additional Subordinate Judge of Salem dated 05.02.2020 passed in I.A. No.2 of 2019 in O.S. No.317 of 2010.

For Petitioner

: Mr. K. Ramanraj

For Respondents

: Mr. B. Sundarapandiyan [for R1]

Mrs. G. Sumitra [for R2]

Mr. H. Karthik Seshadri [for R3]



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ORDER

WEB COPY The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the 1st respondent seeking to implead her as a party defendant.

2. The 2nd respondent herein R. Kumar filed a Suit for Partition against the petitioner and the 3rd respondent. The 1st respondent herein claiming herself as a purchaser of the 8th item of the Suit property filed an impleading application seeking to implead her as a party defendant. The said application was allowed by the Trial Court and aggrieved by the same, the petitioner / 1st defendant is before this Court.

3. It is seen from the affidavit filed in support of the impleading application that the 1st respondent purchased the 8th item of the suit property from the respondents 1 and 2 on 30.06.2011. Having regard to the prayer sought for in the suit, if the petitioner / purchaser of one of the suit items is impleaded as a party defendant in the suit, it will enable the Court to pass effective decree adjudicating the rights of the parties. Though the 1st



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respondent being a pendent lite purchaser cannot be termed as necessary party. As a purchaser in possession of the property, her presence is very much essential for an effective adjudication and execution of any decree that is passed in the partition suit. Therefore, the 1st respondent is a proper party to be impleaded and the Trial Court has rightly allowed the impleading application. Therefore, I do not find any error or illegality in the order passed by the Trial Court. Further, the impugned order would not cause any prejudice to the right of the petitioner.

4. In such circumstances, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The I Additional Subordinate Judge of Salem .



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S.SOUNTHAR, J.

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