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C.R.P.No.2577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.2577 of 2024
and C.M.P.No.13487 of 2024

Chinnasamy

... Petitioner

-Vs-

1.Minor.Sathyakala
2.Minor.Kalaiselvan
3.Minor.Vinodha
4.Madhaiyan
5.Murugan
6.The Sub-Registrar
Sub Registrar's Office
Kaveripattinam
Krishnagiri Taluk
Krishnagiri District-635 112.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the impugned judgment and decree in I.A.No.5 of 2023 in O.S.No.198 of 2021 dated 10.11.2023 passed by the Additional Sub Court, Krishnagiri.

For Petitioner : Mr.A.Deivasigamani
For Respondents : Dr.S.Surya, Additional Government Pleader
- for R6

ORDER

O.S.No.198 of 2021 is a suit filed by minors claiming partition. The civil revision petitioner is a third party to the family. There existed an inter-se dispute between Madhaiyan, the vendor of the plaintiffs and Mageswari, the mother of the



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plaintiffs. On account of the fact that the husband is not maintaining the wife, she had initiated M.C.No.34 of 2021 seeking for maintenance. The said proceedings are pending before the Family Court at Krishnagiri. One Murugan had purchased the property from the sole defendant Madhaiyan by way of a document dated 11.10.2021. In turn, the said Murugan had sold the property to the civil revision petitioner on 16.11.2022. Since the alienation in favour of the civil revision petitioner was made after the presentation of the plaint and since he is the *lis pendens* purchaser, the plaintiffs took out an application to implead him as a party to the suit. The impleading petition came to be allowed, against which the present revision.

2. Heard Mr.A.Deivasigamani for the petitioner and Dr.S.Surya, learned Additional Government Pleader for the sixth respondent.

3. The suit is one for partition. Whether the plaintiffs are entitled to succeed is a matter that has to be gone into at the time of trial. However, the admitted case is that Madhaiyan had sold the property to one Murugan pending the suit and Murugan had in turn sold the property to the civil revision petitioner. In terms of Order XXII Rule 10 of the Civil Procedure Code, the right of the sole defendant gets assigned in favour of the civil revision petitioner by virtue of his purchase. Hence, he is a proper and necessary party to the proceedings. In fact, it is better that the purchaser is on record. This is because the sole defendant who has alienated the



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entire extent in favour of the petitioner's vendor might not be interested to continue with the suit. In such an eventuality, the civil revision petitioner will be put to hardship. I do not find any reason to interfere with the order passed by the learned trial Judge. The learned Judge has exercised his discretion properly.

4. The civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Additional Subordinate Judge
Krishnagiri.



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V. LAKSHMINARAYANAN, J.

KST

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