



C.R.P.(PD).No.3019 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.3019 of 2021
and CMP.No.21421 of 2021

1.Yellamma
2.Santhamma
3.Pushpalatha
4.Arunkumar
Petitioners

...

vs.

Shanmugam

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed by the Additional Subordinate Court, Hosur, Krishnagiri District, dated 13.09.2021 made in I.A.No.5 of 2020 in O.S.No.157 of 2013 and to allow the Interlocutory Application as prayed for.

For Petitioners
For Respondent

: Mr.J.Pradeep
:Mr.C.Prabakaran
for sole respondent



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioners seeking impleadment in the suit filed by the respondent for partition.

2. According to the petitioners, they filed a suit for partition in O.S.No.81 of 2016 on the file of the Subordinate Court, Hosur, against the respondent and others. From written statement filed by the respondent in that suit, it came to the knowledge of the petitioners that the respondent filed the present suit. Hence, petitioners file instant application seeking impleadment. In the affidavit filed in support of the petition seeking impleadment the petitioners have not stated how they are entitled to share in the suit property. When the petitioners failed to plead how they are entitled to share and under what capacity they want to get themselves impleaded as a party in a suit for partition, the Court below rightly dismissed the impleading petition.

3. The learned counsel for the petitioner submits that the present suit has been presented by the respondent against 3rd parties without



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impleading the petitioners. Therefore, the present suit may be tagged along with the suit for partition filed by the petitioners. Since the petitioners are not arrayed as parties in the present suit any decree passed in the present suit will not bind them.

4. With these clarifications, the Civil Revision Petition stands dismissed. Taking into consideration that the main suit is of the year 2013, the Court below is directed to dispose of the same as expeditiously as possible. No costs. Consequently, the connected civil miscellaneous petition is closed.

24.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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To

The Additional Subordinate Court, Hosur,
Krishnagiri District.

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