



C.R.P.(PD).No.2802 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2802 of 2021

Moganambal

... Petitioner

vs.

1.Neelambal
2.R.Ganesan
3.G.Ragunath
4.Pappal
5.M.Arizhavagan
6.Valarmathi
7.C.Devarajan
8.K.Selvam
9.K.Natarajan
10.M.Ravi
11.K.Selvam
12.Ravikumar
13.J.Alagesan
14.Alamelu
15.Sathish
16.Lakshmi
17.Logaprasath
18.Baby
19.The Tahsildar,
Office of the Tahsildar, Mettur Dam-1,
Mettur Taluk, Salem District.



C.R.P.(PD).No.2802 of 2021

20.The District Collector,
District Collector Office,
Salem District.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside rejection order dated 27.09.2021 made in I.A.Sr.No.1330 of 2021 in O.S.No.156 of 2015 on the file of the Subordinate Court, Mettur by allowing the Civil Revision Petition.

(Amended the prayer vide Court order dated 10.01.2024 made in CMP.No.1440 of 2022 in CRP.No.2802 of 2021 by SSJ).

For Petitioner	: Mr.D.Lakshmipathy
For Respondents	: Mr.B.Mohan for R1 R11-left R12 and R13 – out of station R2, R3, R5, R6, R8, R9 and R14 to R17 – service awaited Mr.V.Jeevagiridharan Additional Government Pleader for R19 and R20

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, rejecting the application filed by the petitioner/3rd party, seeking his impleadment in the suit, even before numbering.



C.R.P.(PD).No.2802 of 2021

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2. The first respondent herein filed a suit against other respondents seeking relief of partition and other reliefs. The petitioner herein claiming herself as a purchaser of portion of the suit property from respondents 2 and 3 / defendants 1 and 2 filed the instant application seeking to implead her as 20th defendant in the suit. The said application was dismissed by the trial Court on the ground that inspite of direction, the petitioner failed to serve the copy of the application on the respondents in the impleading petition. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner by taking this Court to the endorsement found in page No.43 of typed set of papers would submit that the contesting first respondent was served on 09.03.2021 and after taking notice, he made following endorsement “I oppose and pray time for filing counter”.

4. The learned counsel appearing for the first respondent would



C.R.P.(PD).No.2802 of 2021

submit that endorsement in page No.43 would indicate notice was served on the contesting first respondent/plaintiff in the suit. It is not clear, whether all other respondents are served by the petitioner.

5. This Court feels that the petitioner should be given an opportunity to serve all the respondents and represent the petition.

6. It is not in dispute that contesting first respondent/plaintiff was served with the notice and it appears that the petitioner failed to serve the other respondents. Therefore, the impugned order passed by the Court below rejecting the impleading application of the petitioner is set aside and the petitioner is directed to serve all the respondents and represent the papers within three weeks from the date of receipt of a copy of this order. On such filing of acknowledgment, the Court below is directed to number the impleading application in I.A.Sr.No.1330 of 2021 and dispose of the same in accordance with law as expeditiously as possible.



C.R.P.(PD).No.2802 of 2021

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7. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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Note:Registry is directed to return the original affidavit and petition in I.A.Sr.No.1330 of 2021 filed by the petitioner to the counsel for the petitioner .

To

The Subordinate Court,
Mettur.



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C.R.P.(PD).No.2802 of 2021

S.SOUNTHAR, J.

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C.R.P.(PD).No.2802 of 2021

15.02.2024