



C.R.P.(MD)No.232 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(MD)No.232 of 2020

and

C.M.P(MD) No.1402 of 2020

1.Arumugaperumal

2.Indirani

3.Murugan

4.Narayanan

5.A.Kalaiselvan

... Petitioners

Vs.

Velmanickam (died)

1.Aavudaiyammal

2.Mari Sivakami Sundari

3.Palavesa Lakshmi

4.Meera Sahib

... Respondents

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WEB COPY PRAYER : Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 19.10.2019 passed in I.A.No.05 of 2019 in O.S.No.18 of 2012 on the file of the Sub Court, Thoothukudi.

For Petitioners : Mr.M.P.Senthil

For R1 to R3 : Mr.B.N.Raja Mohamed

For R4 : No appearance

ORDER

This civil revision petition is filed by the original plaintiffs along with fifth petitioner herein seeking to implead the fifth petitioner herein as fifth plaintiff in the main suit on the ground that the fifth petitioner purchased a portion of the suit property from the share of the third petitioner herein under a registered sale deed dated 14.03.2013. The said application was dismissed by the trial Court by an order dated 19.10.2019 on the sole ground that the said application was filed belatedly in the year 2019, though the fifth petitioner purchased the subject property as early as in the year 2013.



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2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The only apprehension expressed by the learned counsel for the respondents is that the attempt of the fifth petitioner and other petitioners is only to prolong the suit proceedings which is of the year 2012 and there are no bona fide in the attempts being made by the petitioners herein. No doubt the suit is of the year 2012 and the fifth petitioner purchased the property in the year 2013, but had chosen to come on record only by filing the application in the year 2019. Absolutely, there is no doubt that the said application was filed belatedly.

4. Be that as it may, the next point that required to be considered is whether any prejudice would be caused to the respondents if the fifth petitioner herein is allowed to come on record. The apprehension expressed by the learned counsel for the respondents can be addressed by subjecting the fifth petitioner to certain terms namely that he should be bound by the evidence already let in by the other plaintiffs and he is not entitled to let in any independent evidence as he



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is only stepping into the shoes of the third petitioner. If that course is adopted, no prejudice would be caused to the respondents herein.

5. In the light of the above, the impugned order under revision dated 19.10.2019 passed in I.A.No.5 of 2019 is set aside and consequently, I.A.No.5 of 2019 is allowed and the fifth petitioner herein shall stand impleaded as fifth plaintiff in the main suit. However, it is made clear that the fifth petitioner shall not be entitled to let in any independent evidence and he shall be bound by the evidence already let in by the plaintiffs 1 to 4 in the main suit. Taking into consideration of the fact that the suit is of the year 2012, which is pending for more than a decade, the learned Subordinate Judge, Thoothukudi, is directed to dispose of the suit as expeditiously as possible at any rate on or before 31st March 2024. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index :Yes/No
Internet :Yes/No
NCC :Yes/No

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To

The Subordinate Judge,
Thoothukudi.



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MUMMINENI SUDHEER KUMAR, J.

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