



C.R.P(MD)No.355 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P(MD)No.355 of 2020

and

C.M.P(MD)No.2032 of 2020

Paramadhas

... Petitioner

Vs

1. Ponnappan,
2. Balakrishnan,
3. Rosily,
4. Thompsily,
5. Raj,
6. Saraswathi,
7. Rathabai,

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to prefer this Memorandum of Grounds of Civil Revision Petition as against fair and decreetal order dated 20.12.2019 passed in I.A.No. 1 of 2019 in I.A.No. 765 of 2000 in O.S.No. 554 of 1996 on the file of Additional District Munsif Court, Padmanabhapuram.



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For Petitioner : Mr.R.J.Karthick
For R1 : Mr.D.Thirumahilmaran
For R2 : Mr.D.Selvanayagam
For R4 : No Appearance

ORDER

This Civil Revision Petition is directed against the order, dated 20.12.2019, passed in I.A.No.1 of 2019 in I.A.No.765 of 2000 in O.S.No.554 of 1996, on the file of the Court of Additional District Munsif, Padmanabhapuram. The said I.A.No.1 of 2019 was filed under Order 1 Rule 10, seeking to come on record as one of the respondents in I.A.No.765 of 2000. The said I.A.No.765 of 2000 was filed for passing of final decree pursuant to the decree passed in O.S.No.554 of 1996. The basis for filing the said I.A.No.1 of 2019 is that the petitioner herein purchased a portion of the suit property from the second respondent in the year 1998 and 1999 under registered documents and with a view to work out equities consequent to the preliminary decree passed in the main suit, the petitioner intends to come on record as respondent in I.A.No.765 of 2000 and as defendant No.8 in the suit. The said



application was dismissed by the trial Court on the ground that the application was belatedly filed. Aggrieved by the same, the petitioner approached this Court.

2.The fact that the petitioner herein purchased two properties, totally admeasuring 40 cents out of the suit schedule property under the registered documents from the second respondent is not in dispute. Now, I.A.No.765 of 2000 is filed for passing a final decree.

3.This Court at loss to understand as to why the petitioner should not be allowed to come on record only for the limited purpose of claiming equities while allowing the shares of the parties including the second defendant, who is the vendor of the petitioner herein, in terms of the preliminary decree to stand. If for any reason, the petitioner is not allowed to come on record, there is every possibility of the defendant No.2 acting detrimental to the interest of the petitioner herein, in association with other parties who are the close relatives of the second defendant. No doubt, the petitioner has purchased a portion of the suit property in the year 1998 and 1999, after filing of the suit and he has not chosen to come on record till the year 2019.



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4.The learned Counsel appearing for the petitioner contended that the petitioner herein has no knowledge about the pendency of the suit and without knowing the same, he purchased property from the second defendant.

5.Under these circumstances, this Court does not find any justification for the learned Trial Court to refuse to permit the petitioner to come on record only for the limited purpose of claiming equities. In the light of the above, the order impugned in this petition is set aside and I.A.No.1 of 2019 shall stand allowed impleading the petitioner as respondent No.8 in I.A.No.765 of 2000 only for the limited purpose of claiming equities in terms of preliminary decree already passed.

6.Accordingly, this civil revision petition is disposed of. No costs. In view of the fact that the final decree proceedings are stayed for the past five years, by virtue of the interim stay passed in the civil revision petition, the learned Trial Court is directed to dispose of the matter as expeditiously as possible at any rate on or before 31.07.2024.



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7. Consequently, the connected miscellaneous petition is closed.

25.03.2024

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

To

1. The Additional District Munsif Court,
Padmanabhapuram.

2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

LR

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