



C.R.P(MD)No.201 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.201 of 2019

and

C.M.P(MD)No.885 of 2019

K.Karuppana Gounder

... Petitioner

Vs.

1.Chellammal

Kuppanasamy Gounder @ Kupusamy
@ Kuppana Gounder (Died)

Karuppayammal (Died)

2.Palaniammal

3.Panchavarnam

4.Selvakumar

5.Selvamalathi

6.Rani

7.Mukthulakshmi

1/6



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8.M.Kuppusamy

9.Palanichamy

10.Anusuya

11.Abineshkumar

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the fair and decreetal order in I.A.No.2133 of 2017 in I.A.No.39 of 2014 in O.S.No.19 of 1999, dated 26.03.2018 on the file of the Principal District Munsif Court, Dindigul.

For Petitioner : Mr.A.Arockiam

R-1 : Abated

For R-2 to R-5 : No appearance

R-6 to R-11 : Dismissed for default

ORDER

The present Civil Revision Petition has been filed by a third party in O.S.No.19 of 1999 on the file of the Principal District Munsif Court, Dindigul. The first respondent in the revision petition has filed a suit for



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partition and separate possession. The suit was decreed on 18.10.2000 and the appeal filed by the defendant was dismissed on 25.10.2004. The decree holder had filed I.A.No.39 of 2014 for passing a final decree. Pending final decree proceedings, the revision petitioner has filed I.A.No.2133 of 2017 on the ground that, he is having half share in the Well located in the 4th item of the suit schedule property. Without impleading him, preliminary decree has already been obtained. Unless he is impleaded in the final decree proceedings, his rights in the suit Well would get affected. The said application was dismissed by the final decree Court. Challenging the same, the present revision petition has been filed.

2. A perusal of the suit schedule property clearly indicates that the plaintiffs have specifically referred to their half share in the Well located in the 4th item of the suit schedule property. In the counter filed in I.A.No.2133 of 2017, the plaintiffs / decree holder has also admitted the balance half share in favour of the revision petitioner. Therefore, there is no dispute that the present revision petitioner is having half share in the



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suit Well. In such an event, the Trial Court was right in dismissing the application for impleading the third party to the final decree proceedings in a partition suit.

3. Pending revision petition, the first respondent / plaintiff had passed away and the revision petitioner was granted time on 16.02.2024 to take steps on or before 05.03.2024. No steps were taken. On 15.03.2024, the revision petition was dismissed as against the first respondent. Therefore, when the revision petition has already been dismissed as against the first respondent, nothing survives to be adjudicated as against the other respondents.

4. With the above said observation, this Civil Revision petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

10.04.2024



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

To

- 1.The Principal District Munsif Court,
Dindigul.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Order made in
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