



CRP(NPD) No.1381 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.06.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (NPD) No.1381 of 2025 and CMP No.8216 of 2025

1.Vetrivel
2.Selvarasu

... Petitioners

..Vs.

K.Krishnan

... Respondent

Prayer: This Civil Revision Petition is filed under Article 115 of Constitution of India, to set aside the Docket order dated 01.02.2025 in I.A.No.5 of 2023 in O.S No.66 of 2013 by the Additional District Judge, Dharmapuri.

For Petitioner : Mr.M.Selvam

ORDER

Challenging the impugned daily Order of the learned Additional District Judge, Dharmapuri, dated 01.02.2025 passed in I.A.No.5 of 2023 in O.S No.66 of 2013, directing the impleadment of the subsequent



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purchaser in the final decree proceedings, the present revision has been filed by the petitioners, who are the decree-holders.

2. Originally, the suit has been filed for partition claiming shares in two of the 'A' and 'B' schedule properties. The trial Court/Additional District Court, Dharmapuri, in O.S No.66 of 2013 passed a preliminary decree for 2/3rd share in respect of 'A' schedule property alone. However, the suit in respect of 'B' schedule property was dismissed. Now, the plaintiffs have filed an application in I.A No.5 of 2023, for passing a final decree, based on the preliminary decree passed by the trial Court. In that application, an Advocate Commissioner was also appointed and he had visited the property and found that in the entire extent of 4.28 acres in 'A' schedule property, third parties have purchased the property and filed a report. However, the petitioners/plaintiffs have filed a memo indicating that there is no necessity to implead the subsequent purchaser. However, the trial Court has held that as the subsequent purchaser have to be impleaded , directed the petitioners/plaintiffs for taking steps. Challenging the same, the present revision has been filed.



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3. The learned counsel for the petitioners would submit that the subsequent purchaser is entitled to only 2 acres and 15 cents and the remaining extent can be allotted to the petitioners. Therefore, there is no need for impleadment of the subsequent purchaser.

4. This Court is of the firm view that the co-owner dealt with undivided share and the subsequent purchaser, now automatically steps into the shoes of the co-owner in the undivided share. Therefore, mere impleading the subsequent purchaser will not usurp the right of the petitioners/plaintiffs. Having purchased the undivided property, subsequent purchaser cannot seek for definite possession. What are the properties allottable to the first defendant alone, normally allotted to the subsequent purchaser.

5. In such view of the matter, I do not find any merit in this revision petition.



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6. In the result, this Civil Revision Petition is dismissed. No costs. The trial Court/learned Additional District Judge, Dharmapuri, is directed to expedite the matter and pass a final decree within a period of two months (2) from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

25.06.2025

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To

The Additional District Judge,
Dharmapuri.



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N.SATHISH KUMAR,J
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