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CRP NPD.No.2537 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2537 of 2025 & CMP.No.14480 of 2025

Palanisamy

. . . Petitioner

Versus

1. Kanagaraj
2. Marappa Gounder
3. Nallusamy
4. Ramasamy
5. Perumal
6. Kannan
7. Selvarani
8. Suseela

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal Order dated 23.01.2025 made in I.A.No.3 of 2024 in I.A.No.1382 of 2024 in O.S.No.1650 of 2004 on the file of the Additional District Munsif Court at Namakkal.

For petitioner : Mr.T.I.Thirumalaisamy



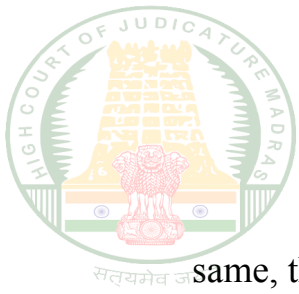
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ORDER

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Challenge has been made to the Order of the trial Court allowing the application filed by the first respondent in I.A.No.3 of 2024 in I.A.No.1382 of 2004 in O.S.No.1650 of 2004, the present Civil Revision Petition has been filed.

2. An application has been taken out by the third party, who is said to be transferee from the original decree holder. The petitioner is none other than the grand son of the decree holder Marappa Gounde, in whose favour the preliminary decree has been passed in O.S.No.453 of 1993 [O.S.o.1650 of 2004]. In the said suit a preliminary decree was passed on 06.01.1997. After the preliminary decree, an application has been taken out by the plaintiff for passing of final decree in I.A.No.1382 of 2004. Pending final decree proceedings, the plaintiff had transferred his share by way of settlement and also executed a rectification deed dated 17.10.2024. Therefore, based on the said document, the transferee had filed an application to implead him to continue the final decree proceedings as the second petitioner. Challenging the



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same, the present revision petition has been filed.

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3. Heard the learned counsel appearing for the petitioner and perused entire materials available on record.

4. It is relevant to note that admittedly, shares have been determined in the preliminary decree in favour of the plaintiff by a decree and judgment dated 06.01.1997 and before passing of the final decree, the share of the plaintiff has been transferred in favour of the proposed party, namely his grand son. Therefore, this Court is of the view that when the transfer is effected during the pendency of the proceedings, the transferee is always, with the leave of the Court, can come on record to continue the suit as per Order XXII Rule 10 of Code of Civil Procedure. In such view of the matter, as the trial Court has taken note of the transfer by way of a registered document has allowed the application and impleaded him as one of a party in the final decree proceedings. Hence, I do not find any merits in this Civil Revision Petition.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The District Munsif,
Namakkal.



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N. SATHISH KUMAR, J.

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