



C.R.P.(PD)(MD).No.132 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.132 of 2025
and CMP(MD).No.805 of 2025

Sheeladevi

... Petitioner

-VS-

1.Krishnamoorthy

2.Muthukumari

3.Saravanan

4.Subramanian

5.Baskaran

6.Pandimuthu

...Respondents

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.12.2023 passed in I.A.No.1 of 2023 in O.S.No.47 of 2021 on the file of the Sub Court, Manamadurai and allow the present civil revision petition.

For Petitioner : Mr.S.Senthilkumar

For Respondents : Mr.M.Mithun for R1



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ORDER

The present revision petition has been filed by the plaintiff in O.S.No.47 of 2021 on the file of the Subordinate Court, Manamadurai challenging the dismissal of an application filed under Order-1 Rule 10(2) of C.P.C.

2.The above said suit was filed for the relief of partition and separate possession. The plaintiff has also prayed for cancellation of a document executed by the second defendant in favour of the first defendant on 27.02.2017.

3.Pending suit, the plaintiff had filed I.A.No.1 of 2023 seeking to implead one Kannathal as 7th defendant in the said suit.

4.A perusal of the averments made in the affidavit reveals that the second item of suit property was sold by the 1st defendant in favour of the 6th defendant and later, the 6th defendant had sold it to the 7th defendant. Therefore, the plaintiff had sought to implead the 7th defendant. The trial Court has dismissed the said application on the ground that the 7th defendant being a purchaser from the 6th defendant and the 1st defendant, she is not a necessary party to the preliminary decree proceedings. The



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said order is under challenge in present civil revision petition.

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5.The facts narrated above will clearly indicate that the proposed party namely the 7th defendant had purchased the property from the 6th defendant who in turn had purchased it from one of the co-owners namely the 1st defendant. Therefore, any decree passed as against the 1st defendant would be binding upon the 6th and 7th defendants. In such circumstances, she may not be a necessary party in the preliminary decree proceedings. However, the plaintiff would be at liberty to implead the 7th defendant in the final decree proceedings, if she is so advised.

6.With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

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

- 1.The Subordinate Judge, Manamadurai
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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