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C.R.P.(PD)(MD)No.460 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.460 of 2025

and

C.M.P(MD)No.2630 of 2025

Kasthuri

...Petitioner/Petitioner/Plaintiff

Vs.

- 1.Mariappan
- 2.Panchatcharam
- 3.Subbaiah
- 4.Kaleeswari
- 5.Dhiraviamani
- 6.Logamuniammal
- 7.Gomathi
- 8.Abimannan
- 9.Jeyakumar
- 10.Rajalakshmi
- 11.Pappa
- 12.Pongothai
- 13.Ganesan
- 14.Raja
- 15.Bommuthai

...Respondents 1 to 15/Respondents 1 to 15/
Defendants

16.V.Senthilkumari

...16th Respondent/16th Respondent/
Proposed 16th Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order and decree, dated 12.11.2024, made in I.A.No.2 of 2023 in O.S.No.42 of 2021, on the file of the Principal Sub Court, Srivilliputhur.



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For Petitioner : Mr.M.Thirunavukkarasu

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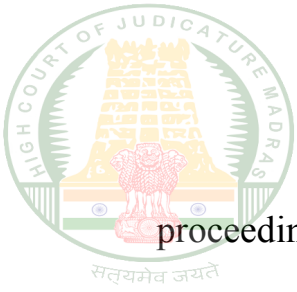
ORDER

The plaintiff in O.S.No.42 of 2021, on the file of the Principal Sub Court, Srivilliputhur, is the revision petitioner herein.

2.The above said suit had been filed for the relief of declaration of title and recovery of possession or in the alternative a decree for partition and separate possession.

3.Except the defendants 12 and 14, all other defendants have been set ex-parte. The 11th defendant who was already set ex-parte had sold the property in favour of the proposed defendant, pending suit. Therefore, the plaintiff had filed I.A.No.2 of 2023 to implead the purchaser. This application has been dismissed by the trial Court on the ground that the purchaser is the *pendente lite* purchaser. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, the 11th defendant has already remained ex-parte and therefore, unless the purchaser is impleaded, he may raise some dispute during the execution



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proceedings. However, this Court is of the considered opinion that any decree passed as against the 11th defendant will be binding upon the 16th defendant also, since he has purchased the property, pending suit. In such circumstances, impleading the proposed party, who is the *pendente lite* purchaser is not necessary.

5.Considering the fact that the suit is pending from the year 2021 onwards, there shall be a direction to the trial Court to dispose of the suit on or before **30.11.2025.**

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

20.02.2025

Internet:Yes/No

Index:Yes/No

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R.VIJAYAKUMAR, J.

RJR

To

The Principal Sub Court, Srivilliputhur.

Copy to:-

The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.

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20.02.2025