



C.R.P.(PD)(MD)No.3193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.3193 of 2024

and

C.M.P(MD)No.18353 of 2024

- 1.Ponnuthai
- 2.Shanmugalakshmi
- 3.Seethalakshmi
- 4.Maheswari

...Petitioners/Respondents 1 to 4/
Plaintiffs 1 to 3 and 6

Vs.

- 1.Bharathraj
- 2.Seenivasan
- 3.Shanmugaraj
- 4.Jeyaraj(Died)
- 5.Muthulakshmi(Died)
- 6.Subbulakshmi
- 7.Yogeswaran (Minor)
- 8.Yogeswari (Minor)

...1st Respondent/Petitioner/Proposed as 12th Party
...2nd Respondent/5th Respondent/Defendant
...3rd Respondents/6th respondent/4th Plaintiff

*(the respondents 6 to 8 are impleaded in I.A.No.123 of 2019
in O.S.No.17 of 2010, dated 30.10.2023)*

...6 to 8th respondents/6 to 8th respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, pleased to set aside the order passed in I.A.No.47 of 2024 in O.S.No.17 of 2010, dated 01.10.2024 on the file of the learned District Munsif Cum Judicial Magistrate Court, Vilathikulam.



WEB COPY



C.R.P.(PD)(MD)No.3193 of 2024

For Petitioners : Mr.V.Karthikeyan

For Respondents : Mr.N.Marimuthu for R1
Mr.V.Nirmal Kumar
for R3, R6 to R8

ORDER

The degree holders in O.S.No.17 of 2010, on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam, are the revision petitioner herein.

2.The revision petitioner as plaintiff had filed the above said suit for the relief of partition and separate possession of his 7/8 shares in the suit schedule properties. In the said suit, one Mr.Seenivasan is the sole defendant. The suit was decreed on 07.09.2010.

3.Based upon the preliminary decree, the plaintiff had filed I.A.No.24 of 2022, for passing of final decree. In the said application, already Commissioner has been appointed. In the meantime, the first respondent herein, who is a third party to the suit, had filed I.A.No.47 of 2024 to get herself impleaded in the final decree proceedings. A perusal of the said application reveals that the third party claims to have purchased the property from the sole defendant on 07.01.2009.



C.R.P.(PD)(MD)No.3193 of 2024

WEB COPY

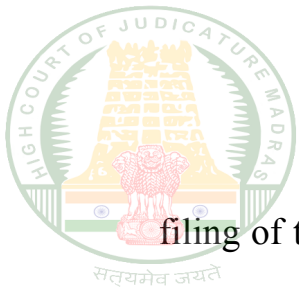
4. According to the said first respondent, she is entitled to the share that is allotted to the defendant. This application came to be allowed by the trial Court. Challenging the same, the present revision petition has been filed.

5. According to the learned Counsel for the revision petitioners, the purchaser is not a family member and therefore, she cannot get herself impleaded in the final proceedings.

6. Per contra, the learned Counsel appearing for the impleading party had contended that she had purchased the property from the sole defendant, even prior to the filing of the suit. Therefore, she is a necessary party in the final decree proceedings.

7. I have considered the submissions made on either side and perused the materials available on record.

8. It is settled position of law that a purchaser from co-owner is not only a proper party, but also a necessary party in the final decree proceedings. In the present case, alienation has been made by one of the co-owners prior to the



C.R.P.(PD)(MD)No.3193 of 2024

filing of the suit. Therefore, it is needless to point out that the first defendant in the revision petition is the necessary party to the final decree proceedings.

However, it is made clear that unless the supplementary preliminary decree is passed in favour of the defendant/Seenivasan, the purchaser would not be entitled to take possession of the properties.

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

10. The trial Court is directed to expedite the disposal of I.A.No.24 of 2022 on or before **30.11.2025**.

14.02.2025

Internet: Yes/No

Index: Yes/No

RJR



WEB COPY



C.R.P.(PD)(MD)No.3193 of 2024

To

The District Munsif Cum Judicial Magistrate Court,
Vilathikulam.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.R.P.(PD)(MD)No.3193 of 2024

R.VIJAYAKUMAR, J.

RJR

C.R.P.(PD)(MD)No.3193 of 2024

14.02.2025