

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (PD).Nos.241 & 242 of 2015
and
M.P.Nos.1 & 1 of 2015
C.R.P.(PD).No.241 of 2015

1.Ponni @ Ponni Goundachi		
2.Ramachandran	...	Petitioners
Versus		
1.Saraswathi		
2.Jayapal	...	Respondents

C.R.P.(PD).No.242 of 2015

1.Ponni @ Ponni Goundachi		
2.Ramachandran	...	Petitioners
Versus		
1.Jayapal		
2.Minor Gokulraj		
3.Minor Paulraj		
Minors represented by		
Natural Guardian Jayapal		
as Next Friend	...	Respondents

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India against the fair and final order dated 24.01.2014 made in I.A.No.9 of 2014 in O.S.No.303 of 2008 & I.A.No.10 of 2014 in O.S.No.427 of 2013 respectively on the file of the Principal Subordinate Judge, Salem.

For Petitioners in both CRPs : Mr.T.Murugamanickam

O R D E R

These civil revision petitions are directed against the order dated 24.01.2014 passed by the Principal Subordinate Judge, Salem, in I.A.No.9 of 2014 in O.S.No.303 of 2008 & I.A.No.10 of 2014 in O.S.No.427 of 2013 respectively.

2. The Petitioners have filed a suit in O.S.No.303 of 2008 before the District Munsif, Salem, against the respondents for declaration, declaring that the sale deeds dated 01.03.2004 and 18.03.2004 as void and for permanent injunction. The respondents have instituted a suit in O.S.No.1294 of 2008 against the petitioners for declaration of title and for permanent injunction.

3. The petitioners have filed I.A.No.9 of 2014 and I.A.No.10 of 2014 in the suits under Order 1 Rule 10 and Section 151 C.P.C. to implead State Bank of India, Yercaud Branch, represented by its authorised person, Yercaud, Salem, as 3rd & 5th defendant in these suits. In the affidavit filed in support of these applications, the petitioners have averred that the property was mortgaged with the Bank and therefore, the Bank is a necessary party.

4. The learned Principal Subordinate Judge, Salem, dismissed the petitions holding that the suits were instituted for declaration of title and for permanent

injunction and therefore, the proposed part is not a necessary party to decide the issues in these suits.

I do not find any illegality or irregularity in the impugned order. Hence, the civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index:Yes/No 12.02.2015

Internet:Yes/No

sms

To

The Principal Subordinate Judge, Salem.

K.KALYANASUNDARAM, J.

sms

C.R.P (PD).Nos.241 & 242 of 2015

and

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