

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.(PD)No.3008 of 2015 &

M.P.No.1 of 2015

1.Annaiyya
2.Kempan
3.Beeramma
4.Kempamma
5.Lakshmamma
6.Nagaraj
6.Manjunath
8.Chinnamma @ Chitra
9.R.Chandramma

... Petitioners

v.

1.Ramaiah
2.Rammkka

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 07.01.2015 made in I.A.No.662 of 2013 in O.S.No.180 of 2012 on the file of District Munsif at Hosur, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

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O R D E R

The petitioners filed the suit in O.S.No.180 of 2012 for the following reliefs.

(a) Declaring the possessory right of the plaintiffs' half share in the suit schedule property; and

(b) permanent injunction restraining the defendant from interfering the peaceful possession and enjoyment of the suit properties.

2. While so, the sole defendant filed an application in I.A.No.662 of 2013 O.S.No.180 of 2012, under Order I, Rule 10, read with section 151 of CPC, to implead one Rammkka as one of the defendant in the suit.

3. In the affidavit filed in support of the application, the defendant has stated that the said Rammakka is a proper and necessary party. The said application was strenuously objected by the plaintiffs stating that the proposed party is not a proper and necessary party.

4. By order dated 07.01.2015, the District Munsif Court, Hosur, allowed the application in I.A.No.662 of 2013 in O.S.No.180 of 2012.

5. The Civil Revision Petition is against the aforesaid order.

6. I have heard the learned counsel for the petitioners.

7. The learned counsel for the petitioners vehemently contended that since the petitioners-plaintiffs have chosen not to implead the said Rammakka as one of the defendant in the suit, the defendant cannot file an application to implead her in the suit. Hence, the Trial Court is not correct in allowing this application.

8. In the interest of justice, the Trial Court allowed the application finding that when the suit for declaration is filed, all the parties, who are having the interest and right over the suit property is to be added in the suit and without including the person, who is having the right, the case will not be decided properly and completely no prejudice would be caused by impleading the proposed party, who is having right and interest over the property.

9. Since the Trial Court has power under Order I, Rule 10 of CPC, even to implead suo mottu, in the interest of justice, I am not inclined to interfere with the order passed by the Trial court.

10. In these circumstances, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

06.08.2015

Rj

To

The District Munsif,
Hosur,
Krishnagiri District.

D.HARIPARANTHAMAN,J.,

Rj

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