



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) No. 206 of 2015

and

M.P. (MD) No. 1 of 2015

WEB COPY

1. K.Ramesh Subramanian
2. K.Parthiban .. Petitioners/Petitioners/
Plaintiffs

Vs.

- M.Andiappan(died)
1. A.Pitchai Ammal
 2. A.Ayappan
 3. A.Ramar
 - C.Bose (died)
 4. V.Vijaya ... Respondents 1 to 4/
Respondents 1 to 6/
Defendants 1 to 6
-
5. A.Ravichandran
 6. Thangaponnu
 7. A.Kannan
 8. M.Nallasivam
 9. Chella Krishnaal
 - 10.Rajeshwari ... Respondents 5 to 10/
Respondents 7 to 12/
Proposed Defendants 7 to 12

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the executable and fair order in I.A.No.379 of 2012 dated 18.12.2014 in O.S.No.292 of 2003 on the file of the District Munsif, Madurai Taluk.

For Petitioners : Mr.V.Ramakrishnan

ORDER

The plaintiffs have come up with the present Civil Revision Petition challenging the order of refusal to implead the proposed parties as defendants 7 to 12.

2. Heard the learned Counsel for the petitioners.

3. It is submitted by the learned Counsel for the petitioners that the second defendant in the suit had filed written statement and stated that she had sold the property in



bits and pieces in favour of the proposed defendants 7 to 12 and therefore, the plaintiffs have come up with this application by stating that they are the necessary parties and they should be made as necessary parties of the suit. The said application was dismissed by the trial Court. Aggrieved by the same, this Civil Revision Petition has been filed.

4. The suit is one for bare injunction restraining the defendants from interfering with the peaceful possession of the plaintiffs. Therefore, the only controversy between the parties is the factum of possession, for which even without the presence of the proposed parties, the Court can decide. The presence of the defendants 7 to 12/proposed parties is not essential for deciding the question in controversy between the parties namely the possession. It is also not pleaded as to how the proposed parties disturbed the possession of the plaintiffs and in what way, they should be enjoined from disturbing the peaceful possession of the plaintiffs is also not pleaded. However, as they have claiming right only under the 6th defendant, in the event of decree being passed in favour of the plaintiffs, that will enure to the proposed parties also, even without impleading them as parties to the proceedings. In view of the above reasons, this Court is of the considered view that there is no infirmity in the order of trial Court.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Madurai Taluk.

Ssl

AA/20.02.2015/2p- 3c/

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