



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.804 of 2011

and

M.P. (MD) No.1 of 2011

WEB COPY

Variyoor Saiva Vellala Samuthaya
Velinintra Vinayagar and other temples
Represented through its board of present trustees

1.M.Manthiram
2.A.Arunachalam Pillai
3.G.Manikandan Pillai : Petitioners/Respondents/Plaintiffs
(Petitioners 1 to 3 are substituted vide order
dated 13.01.2015 made in M.P.No.1 of 2014 in
C.R.P.804 of 2011 by PSNJ)

Vs.

1.Mrs.Annammal : Respondent/Respondent/Defendant
2.S.Sivanesan : Respondent/Petitioner/3rd Party
(1st respondent set ex-parte in
the trial Court, so notice not necessary)

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records pertaining to the fair and decretal order passed by the learned I Additional District Munsif, Nagercoil in I.A.No.221 of 2008 in O.S.No.626 of 2007, dated 10.02.2011 and set aside the same.

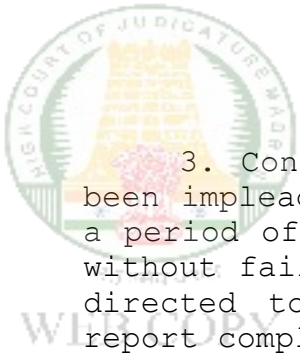
For Petitioner : Mr.K.P.Narayanakumar

For R-2 : Mr.M.Suri

ORDER

The above revision is directed against the order allowing the application under Order 1 Rule 10 C.P.C to implead the second respondent.

2. The suit is filed by the plaintiffs for eviction and recovery of possession of the "A" Schedule property. The second respondent has filed I.A.No.221 of 2008 claiming that he is actually in possession cultivating the land and therefore, he has to be impleaded in the suit. Though the said application was resisted by the plaintiffs, the same was allowed by the learned I Additional District Munsif, Nagercoil, on the ground that any decision that may be passed in the suit, will also be binding on the party as the proposed party had claimed leasehold right in the property. Any claim by the proposed party can also be given a quietus in the suit itself. Therefore, there is no irregularity in the order passed by the learned I Additional District Munsif, Nagercoil. However, the only apprehension of the learned counsel for the petitioner, who appears for the plaintiffs is that the suit is of the year 2007 and the impleadment may further delay the process of the suit.



3. Considering the said submission, the second respondent, who has been impleaded in the suit, is directed to file written statement within a period of four weeks from the date of receipt of a copy of this order without fail and the learned I Additional District Munsif, Nagergoil, is directed to dispose of the suit itself on or before 31.07.2015 and report compliance to this Court.

With the above observation, the Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

The I Additional District Munsif,
Nagergoil.

+1cc to Mr.K.P.Narayana Kumar, Advocate, SR.No.4825
+1cc to Mr.M.Suri, Advocate, SR.No.4585

Order made in
C.R.P. (PD) (MD) No.804 of 2011
02.02.2015

pm
PA/11.02.15/2P/4C