



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.03.2015

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P (PD) (MD) No. 1720 of 2013

and

M.P (MD) No. 1 of 2013

Arayammal

...Petitioner/Petitioner/Proposed party
Vs

1.P.jeyalakshmi

2.P.Malathi

3.P.Marimuthu

...Respondents 1 to 3/Respondents 1 to 3/
Plaintiffs

4.Saraswathi

..4th Respondent/4th Respondent/Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to set aside the fair and decretal order passed in I.A.No.305 of 2012 in O.S.No.44 of 2009, dated 7.8.2013 on the file of the District Munsif Court, Palani.

For Petitioner :M/s.M.P.Senthil

For Respondents :M/s.K.Mu.Muthu
1 to 3

ORDER

The revision is filed by the proposed party to the suit seeking impleadment of herself in the suit.

2.The suit is filed for recovery of possession by the Plaintiffs and for recovery of arrears of rent from the defendant. According to the proposed party, she is in possession of the suit property in her own right. She claims that it belongs to her Father/Karuppanna Thevar and after his demise, she has inherited the same and have been in joint possession. As she has got the right in the property, she wants to implead herself in the suit.

3.It is opposed by the Plaintiffs contending that the application itself is filed at the instance of the fourth defendant to drag on the suit no doubt, the suit property originally belongs to Karuppanna Thevar and after his death, it devolved to one Palanichamy Thevar by virtue of a sale deed, dated 15.8.1987. The said Palanichamy Thevar sold the property to the first respondent/Husband on 2.1.2001 by way of aregistered sale deed. After the death of the first respondent, the respondents 1 to 3 got the title over the suit property. Hence it was contended by the respondents that the Plaintiffs have no ight or title over the suit property. The proposed party though claims to be the owner of the suit property, and also claims that she is in possession for the same for more than 40 years, has not produced any scrap of paper to prove her possession. It is contended by the respondents that it is only an exercise of procrastination and there is no merit in the case of the revision Petitioner. Impleadment can be allowed only when the Court feels that though the presence of proposed party as necessary for a complete



and effective adjudication. It may be ordered provided a relief has been asked against the said party.

4.A reading of the plaint shows that there is no cause of action against the proposed party. The proposed party though claims right and possession over the suit property, has not establish the same, to prove that any other decision that may be passed in the suit would be binding on her. Though it is claimed by the learned counsel for the Revision Petitioner that the decision in the suit in her absence may affect her right adversely the proposed party has not established any right over the suit property and how her rights would be affected. As the revision Petitioner has not satisfied the Court that she is the necessary party, the trial Court has rightly dismissed the application. The trial Court has also rightly dismissed the said applivation. There is no merit in the Civil Revision Petition.

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

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1 The District Munsif, Palani.

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

+1CC to M/s.M.P.Senthil, Advocate in SR.16003

+1CC to M/s.K.Mu.Muthu, Advocate in SR.15850

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vsn

PBK 15/04/2015 ::2P-5C: