

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

CRP PD.No.548 of 2014

and

M.P.No.1 of 2014

1.Ponnusamy @ Etti Gounder

2.Senthilkumar

3.Thangavel

... Petitioners

Vs

1.Ramasamy

2.Shanmugasundaram

3.Sundarambal

4.Natesan

5.Ravichandran

6.T.S.Krishnamoorthy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decreetal order of the learned District Munsif, Tiruchengode made in I.A.No.872 of 2011 in O.S.No.152 of 2011 dated 18.06.2013.

For Petitioners :: Mr.V.S.Kesavan

O R D E R

A suit for permanent injunction is filed by the plaintiff against the defendants. In paragraph No.5 of the plaint, it is stated that the first plaintiff and his sons have sold two acres of land in S.No.51/3 to one T.S.Krishnamoorthi within four specific boundaries. Therefore, the defendants have filed an application under Order 1 Rule 10 CPC to implead the said Krishnamoorthy as the sixth defendant in the suit and the same was dismissed by the trial court against which the revision is filed by the defendants.

2.Heard the learned counsel appearing for the petitioners.

3.The suit itself is only for permanent injunction against the defendants who are the petitioners herein and it is not to decide the title to the parties. The said Krishnamoorthi is only a purchaser from one of the plaintiffs and he need not be a necessary party. The plaintiff being dominus litus, can decide to make a party. It is the defendant who had only filed the above application which was rightly dismissed. Even in the plaintiff's suit for injunction, only the rights of the defendants 1 and 2 could be worked out in the general partition. Therefore, at this stage, the

impleading of the sixth defendant is unnecessary and the order passed by the learned trial Judge is correct and no interference is required. Accordingly, the civil revision petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

22.12.2016

vri

To
The District Munsif,
Tiruchengode.

PUSHPA SATHYANARAYANA,J.

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