

7 IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.98 of 2016

Santhosam

... Petitioner

Vs

1.Jothivel
2.Sundarambal
3.Rajamani
4.Manimegalai

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.07.2015 passed in I.A.No.374 of 2014 in O.S.No.106 of 1999 on the file of the District Munsif Court, Attur, Salem District whereby dismissing the implead petition in I.A.No.374 of 2014.

For Petitioner : Mr.C.Prakasam

ORDER

Heard. The plaintiff in O.S.No.106 of 1999 on the file of the District Munsif Court, Attur is the petitioner herein. The suit came to be filed for a declaration declaring that an order passed by the Revenue Divisional Officer, Attur in his proceedings Na.Ka.No.691-98(B2) dated 10.06.1999 is null and void and will not bind the plaintiff.

2. The petitioner herein/plaintiff chose to file an application under Order I Rule 10(2) of C.P.C. for impleading (1) The Government of Tamil Nadu represented by The District Collector, Salem, (2) The District Revenue Officer, Salem, (3) The Revenue Divisional Officer, Attur and (4) The Tahsildar, Gangavalli as defendants. While filing such a petition, the proposed parties were not shown in the array of parties. When a non-party in the suit is sought to be impleaded as a party in the suit, in case the petition is filed by the proposed parties, they will figure as petitioners and in case the petition is filed by a person, who is already a party in the suit, the proposed party shall be shown as respondents. Then only notice to them can be issued as a party in the impleading application. In the application filed by the petitioner as I.A.No.374 of 2014 before the trial Court, the proposed parties were not shown in the array of respondents. On the other hand, a list was annexed to the petition giving the names and address of the proposed parties.

3. Apart from the said technical defect, the present attempt by the petitioner cannot succeed on merit also. An order passed by the Revenue Divisional Officer dated 10.06.1999 is sought to be challenged in this revision. But the Revenue Divisional Officer was not made as a party-defendant in the suit.

4. Having chosen to seek relief against the non-official individuals alone, the petitioner cannot be allowed to seek impleadment of the officials after a lapse of nearly 15 years. The very fact that the suit has been kept pending for more than 15 years will show the dilatory tactics adopted by the petitioner/plaintiff. The petition

filed under Order I Rule 10(2) is also one such an attempt and the Court below rightly dismissed the same. This Court does not find any defect or infirmity in the order capable of being interfered by this Court in exercise of its power of Superintendence under Article 227 of the Constitution of India. The revision fails and the same is dismissed at the threshold. No costs.

04.03.2016

Index : Yes/No
Internet : Yes/No
gya

To
The District Munsif,
Attur, Salem.

P.R.SHIVAKUMAR, J.

gya

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