



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1931 of 2011

and

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

C.M.P. (MD) Nos.5267 to 5269 of 2016

Ciresh Saralammal

.. Petitioner/1st Respondent/
1st Defendant

Vs.

1. Koilammal

.. 1st Respondent/Petitioner/
Plaintiff

2. Government of Tamil Nadu,
Rep., by the District Collector,
Tirunelveli.

..2nd Respondent/3rd Respondent/
Proposed 3rd Defendant

3. Edwin Selvakumar

..3rd Respondent/2nd Respondent/
2nd Defendant

PRAYER: Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and to set aside the fair and decretal order dated 24.08.2011 made in I.A.No.949 of 2010 in O.S.No.68 of 2005 on the file of the learned Principal District Munsif, Ambasamudram.

For Petitioner	: Mr.A.Arumugam
For R-2	: Mr.G.Muthu Kannan, Government Pleader
For R-1 & R-3	: No appearance.

ORDER

This Revision is directed against the order passed by the learned Principal District Munsif, Ambasamudram, in I.A.No.949 of 2010 in O.S.No.68 of 2005.

2. The first respondent, namely, Koilammal filed a suit against the Government of Tamil Nadu for declaration of title and recovery of possession. The suit was being contested by the petitioner contending that part of the suit property belongs to the Government and the suit is liable to be



dismissed for non-joinder of necessary party. Thereafter, the first respondent filed an application in I.A.No.949 of 2010 seeking a direction to dispense with notice under Section 80(2) of C.P.C., and the application was allowed. Aggrieved over the same, the present petition is filed.

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3. Mr.A.R.Arumugam, learned counsel for the petitioner would submit that the first respondent filed a suit in the year 2005 and the defendants filed their written statement immediately stating that the Government is a necessary party. However, the first respondent did not take any steps to implead the Government. This application was filed after the closure of the evidence on both sides and when the suit was posted for arguments. The learned counsel for the petitioner would further submit that the belated application has to be dismissed.

4. It is seen from the records that the first respondent was a lady, aged 60 years and the suit was filed for declaration of title and recovery of possession. Taking into consideration the stand taken by the defendants in their written statement, the Trial Court having found that the Government is a necessary party allowed the application on payment of cost of Rs.1,000/-.

5. Considering the above facts, I do not find any material illegality or irregularity passed in the order impugned.

6. In fine, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

pmu

To

The Principal District Munsif,
Ambasamudram.

GJM/ARK/PV/1.8.16-2P-2C

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