



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1114 of 2016

and

C.M.P. (MD) No.5596 of 2016

Sornappan

.. Petitioner/Petitioner/1st Defendant

vs.

1. Mrs.Jeyajothi Nayagam,
W/o.Jothi Nayagam,
Puthoor, Thoivalai,
Thoivalai Taluk,
Kanyakumari District,
Rep. By Power Holder,
Mrs.Leela Paul Raj,
W/o. Paul Raj,
Raja Leela Cottage,
Thoivalai,
Thoivalai Taluk,
Kanyakumari District. .. 1st Respondent/1st Respondent/Plaintiff
2. The Junior Engineer (Distribution),
Tamil Nadu Electricity Board,
Thoivalai,
Thoivalai Taluk,
Kanyakumari District.
3. The Superintending Engineer,
Kanyakumari Electric Distribution (Distribution),
Vettoornimadam,
Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District. .. Respondents 2 & 3/
Respondents 2 & 3/Defendants 2 & 3

Prayer: Petition filed under Article 227 of the Constitution of India against the order and decreetal order, dated 15.04.2016 made in I.A.No.26 of 2016 in O.S.No.99 of 2012 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi.

**ORDER**

The first defendant, in O.S.No.99 of 2012 on the file of the District Munsif cum Judicial Magistrate Court, Boothapandi, is the petitioner in this revision.

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2. The first respondent filed the suit against the petitioner and respondents 2 and 3 praying for mandatory injunction directing the respondents 2 and 3 to remove the electric line and post. In the suit, the petitioner filed an application in I.A.No.26 of 2016 to bring four other parties as defendants. Since the application was dismissed, the present revision is filed.

3. Mr.C.Godwin, learned counsel appearing for the petitioner would submit that the proposed parties are proper and necessary parties and without their presence, issues involved in the suit cannot be decided. It is further submitted that the reasons assigned by the trial Court cannot be sustained and the revision has to be allowed.

4. It is seen that originally the suit in O.S.No.686 of 2009 was filed on 24.09.2009 before the Principal District Munsif Court, Nagercoil and subsequently, it was transferred to the District Munsif cum Judicial Magistrate Court, Boothapandi and renumbered as O.S.No.99 of 2012. The proposed parties themselves filed an application in I.A.No.238 of 2012 to implead them as defendants 4 to 8 in the suit. For the reasons best know to them, they did not prosecute the application and it was allowed to be dismissed for non-prosecution. It is further seen that after completion of the evidence of the plaintiff, when the suit was posted for defendants side evidence, this application was filed.

5. The trial Court has rightly dismissed the application. I do not find any reason to interfere with the order passed by the trial Court. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS)

To

The District Munsif cum Judicial Magistrate, Boothapandi.

+1cc to M/s.C.Godwin, Advocate, Sr.No.29500

PS

<https://hcservices.ecourts.gov.in/hcservices/>

JM/GSV-PM/SAR-II/20.06.2016/2P-3C

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