



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
C.R.P.PD (MD) Nos.1832 and 1833 of 2016

WEB COPY

1.PR.Subramanian

2.M.I.Sheik Moideen

3.Posalan

... Petitioners/
Plaintiffs in
both Petitions

Vs.

1.AR.Arunachalam

2.R.Indira

3.Visalakshi

4.R.Deivanai

5.N.Deivanai

CT.Chittal (Died)

...Respondents 1 to 6/
Defendants 1 to 6

6.S.Uma

7.CT.Ramanathan

8.CT.Chidambaram Chettiar ... Respondents 6 to 8/
Defendants 7 to 9

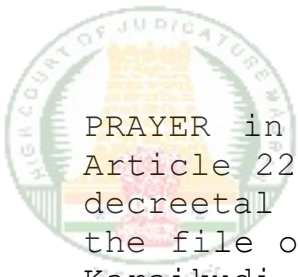
9.The Commissioner,
Municipality, Karaikudi
Sivagangai District.

10.The Executive Engineer,
Tamil Nadu Electricity Board,
Karaikudi, Sivagangai District

... Respondents 9 & 10/Proposed parties in
both Petitions

PRAYER in CRP No.1832/2016: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.129 of 2016 in O.S.No.86/2014 on the file of the Principal District Munsif cum Judicial Magistrate,

<https://hccs.eclouds.in/hccs/eclouds> 27.07.2016.



PRAYER in CRP No.1833/2016: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.130 of 2016 in O.S.No.86/2014 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi, dated 27.07.2016.

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For Petitioner	: Mr.R.Sundar
For Respondents	: Mr.P.Mahendran for R9
	Mr.M.Mohan Babu for R10
	R6 left
	R2- No appearance
	R3 to R5 and R8 - no appearance
	R1 - unclaimed

COMMON ORDER

C.R.P. (MD) No.1832/2016

The petitioners are the plaintiffs in O.S.No.86/2014 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi. The respondents 1 to 8 are the defendants in the suit. That was the suit filed for permanent injunction to restrain the respondents from in any manner interfering with the plaintiffs peaceful possession and enjoyment of the suit property. During the pendency of the suit, the petitioners filed I.A.No.129/2016 seeking to implead the respondents 9 and 10, namely, the Commissioner, Karaikudi Municipality and the Executive Engineer, Tamil Nadu Electricity Board, Sivagangai District, as defendants in the suit. That was dismissed by the trial Court. As against the same, the petitioners have come up with this revision.

2. I have heard the learned counsel for the petitioners and the learned counsel for the proposed respondents 9 and 10.

3. For the defendants in the suit, notice has not been served. The scope of this revision is very narrow, which does not require service of notice on the defendants in the suit, in view of the nature of order, I proposed to pass in the matter.

4. A perusal of the plaint and other pleadings of the parties would go to show that the dispute is in respect of the possession of the suit property. According to the plaintiffs, they are in possession of the suit property and the defendants are making attempt to interfere with the same. In order to prove this issue between the private respondents, neither the Municipality nor the Tamil Nadu Electricity Board is necessary party. They are sought to be impleaded, because, the Municipality has been collecting Tax from the plaintiffs and the Tamil Nadu Electricity Board is collecting electricity tariff. For these reasons, they need not be added as parties to the suit. A necessary party to the suit is <https://hse.cse.courts.gov.in/hse/cse/> in its absence, the issues involved cannot be effectively resolved. In this case, for resolving the issues in the suit, the presence of the proposed parties is absolutely unnecessary. Thus,

the trial Court was right in dismissing the petition.

5. In view of the above, I find no merit at all in this petition. Accordingly, this petition is dismissed. No costs. Consequently, connected CMP No.8825/2016 is closed.

C.R.P. (MD) No.1833 of 2016

In view of the dismissal of the C.R.P. (MD) No.1832 of 2016, this petition is also dismissed. No costs.

Sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Munsif cum
Judicial Magistrate, Karaikudi

2.The Commissioner,
Municipality, Karaikudi
Sivagangai District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Karaikudi, Sivagangai District

+1cc to Mr.R.Sundar, Advocate SR.No.68553

+1cc to Mr.P.Mahendran, Advocate SR.No.68443

+1cc to Mr.R.Sundar Srinivasan, Advocate SR.No.69523

RR

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C.R.P. (MD) Nos.1832 and 1833 of 2016
and CMP No.8825 of 2016
14.11.2016