



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) No.1973 of 2016
and
C.M.P. (MD) No.9284 of 2016

Ramakrishnan

.. Petitioner/
Defendant No.1

Vs.

1.M.Rajamani
2.Devaraj Pandian
3.Ayyammal
Srinivasan(died)
4.Gurusamy
5.Gopalsamy
6.Muthupandi
7.Karuppasamy Raju

.. Respondents 1 and 2/
Plaintiffs

.. Respondents 3 to 7/
Defendants 2 to 7

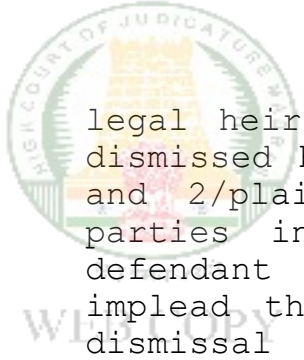
PRAYER: Petitions filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 16.06.2016, passed in I.A.No.79 of 2016 in O.S.No.8 of 2013 on the file of the learned II Additional District Judge, Thoothukudi and allow the present Civil Revision petition.

For Petitioner : Mr.R.J.Karthick

O R D E R

Challenging the order passed by the learned II Additional District Judge, Thoothukudi, in I.A.No.79 of 2016 in O.S.No.8 of 2013, dated 16.06.2016, the present Civil Revision petition has been filed.

2. According to the petitioner, the respondents 1 and 2/ plaintiffs filed a suit in O.S.No.8 of 2013 before the II Additional District Court, Tuticorin, for declaration and recovery of possession with regard to 1st and 2nd schedules of the suit property and for declaration that the sale deed dated 19.09.2002 in the name of the petitioner/first defendant executed by the defendants 2 to 6 as null and void and also for other consequential reliefs. In the aforesaid suit, the petitioner filed an application in I.A.No.79 of 2016 to direct the respondents 1 and 2/plaintiffs to implead the



legal heirs of the third defendant. The present application was dismissed by the Court below on the ground that the respondents 1 and 2/plaintiffs were alone entitled to implead the necessary parties in the aforesaid suit. The Revision petitioner/first defendant could not compel the respondents 1 and 2/plaintiffs to implead the legal heirs of the third defendant. Challenging the dismissal order passed in the present application, the Civil Revision petition has been filed.

3. Per contra the learned counsel for the respondents 1 and 2 would submit that the respondents 1 and 2 have filed the aforesaid suit for declaration and permanent injunction and also for other consequential reliefs. The present application filed by the Revision petitioner praying to implead the necessary parties, is not maintainable in law and on facts.

4. According to the respondents 3 to 7, the Revision petitioner cannot compel the respondents 1 and 2/plaintiffs to implead the legal heirs of the third defendant in the aforesaid suit. Hence, the Court below has rightly dismissed the present application, which requires no interference.

5. Heard the learned counsel for the petitioner as well as the respondents and perused the entire materials available on record.

6. It is an admitted fact that the respondents 1 and 2 filed the suit in O.S.No.8 of 2013 for declaration and other consequential reliefs. In the aforesaid suit, the present application in I.A.No.79 of 2016 has been filed by the Revision petitioner/ first defendant seeking a direction to direct the respondents 1 and 2/plaintiffs to implead the legal heirs of the third defendant (deceased), as they are necessary parties in the aforesaid suit. The main contention of the Revision petitioner is that in order to avoid multiplicity of proceedings, the necessary parties have to be impleaded in the aforesaid suit. The said contention cannot be countenanced for the reason that the Court below has rightly pointed out that only the respondents 1 and 2/plaintiffs have to implead the necessary parties in the suit. Hence, I am not inclined to interfere with the order passed by the Court below.

7. Accordingly, the Civil Revision petition fails and same is dismissed. No costs.

Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar



To

The II Additional District Judge,
Thoothukudi.

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Copy To:-

The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.J.KARTHICK, ADVOCATE IN SR No. 64343
+ 1 CC TO Mr.S.MEENAKSHI SUNDARAM, ADVOCATE IN SR No. 64331

PMU

TE/SS-2 : 08/12/2016 : 3P/5C

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