

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1059 of 2017 &

C.M.P.No.5109 of 2017

C.Jaganathan

... Petitioner

v.

1.S.K.Kathirvel

2.State of Tamil Nadu
Rep. by District Collector
Perundurai Road, Erode.

3.The Assistant Divisional Engineer
Highway Department
Moolapalayam, Erode - 2
Erode

4.The Assistant Engineer
Division - 2
Highway Department
Moolapalayam, Erode - 2
Erode

5.The President
Kanapathipalayam Panchayat
Kanapathipalayam Panchayat
Kanapathipalayam Post
Erode Taluk

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 31.01.2017 passed in I.A. No.1553 of 2016 in O.S. No.579 of 2014 on the file of Principal District Munsif, Erode.

For Petitioner : Mr.C.Prakasam

ORDER

The third party to the suit in O.S. No.579 of 2014 on the file of Principal District Munsif Court, Erode, has filed an application in I.A. No.1553 of 2016 to implead himself as defendant in the suit.

2.The plaintiff filed the suit in O.S.No.579 of 2014 in a representative capacity representing the Villagers of Punjai Kalamangalam Village, Erode District, for permanent injunction restraining the defendants from interfering with the suit temple. The defendant filed their written statement and are contesting the suit.

3.The suit was filed in the year 2014 and in the year 2016, the revision petitioner filed an application in I.A.No.1553 of 2016 under Order I , Rule 10 of CPC to implead himself as a defendant in the suit.

4. According to the revision petitioner, he is a proper and necessary party and and that he is a Poosari of the said temple.

5. The suit has been filed by the plaintiff in a representative capacity for preventing the defendants from interfering with the suit temple. The revision petitioner has not taken any steps so far to protect the temple. He remained as a silent spectator for two years and now he has filed the present application for impleading himself as defendant in the suit.

6. The relief sought for by the petitioner in the suit is only against the defendants and therefore, the revision petitioner is not a proper and necessary party for proper adjudication of the matter. The Trial Court taking into consideration all these aspects, rightly dismissed the application.

7. In these circumstances, I do not find any error or irregularity in

the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2017

Index : Yes/No

Rj

To

1. The Principal District Munsif Court
Erode.
2. The District Collector
Perundurai Road, Erode.
3. The Assistant Divisional Engineer
Highway Department
Moolapalayam, Erode – 2
4. The Assistant Engineer
Division – 2, Highway Department
Moolapalayam, Erode – 2
5. The President
Kanapathipalayam Panchayat
Kanapathipalayam Panchayat
Kanapathipalayam Post
Erode Taluk

M. DURAISWAMY,J.,

Rj

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