

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1157 of 2017
and C.M.P.No.5516 of 2017

Nallasamy

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. By its District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Revenue Divisional Office, Gobi,
Gobichettipalayam,
Erode District.
3. The Tahsildar,
Bhavani Taluk Office,
Bhavani, Erode District.
4. The Tahsildar,
Anthiyur Taluk Office,
Anthiyur, Anthiyur Village,
Erode.

5. Palanisamy

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and final order dated 22.12.2016 made in I.A.No.433 of 2016 in O.S.No.363 of 2015 on the file of the learned I Additional District Munsif Court, Bhavani.

For Petitioner : Mr.Zeenath Begum

ORDER

The Civil Revision Petition has been filed against the fair and final order dated 22.12.2016 made in I.A.No.433 of 2016 in O.S.No.363 of 2015 on the file of the learned I Additional District Munsif Court, Bhavani.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. Petitioner is the plaintiff and the respondents 1 to 4 are the defendants in OS.No.363 of 2015. The petitioner has filed the suit for declaration of title to the suit property, mandatory injunction and consequential relief. The respondents 1 to 4 did not contest the suit. Suit was posted for recording ex-parte evidence. At that stage, the petitioner filed I.A.No. 433 of 2016 to implead the proposed party as 5th defendant. According to the petitioner after the judgment in O.S.No. 205 of 2011, the properties Survey No. 1523/1 was subdivided into 1523/1A and 1523/3 of Anthiyur village. The petitioner purchased the said property vide sale deed dated

25.07.2007 and from the date of purchase, he is the owner of the property, having purchased the property, and from that date, he is in possession and enjoyment of the property. The respondents 1 to 4 without any notice to the petitioner, subdivided the property. In the circumstances, petitioner filed the present suit for the relief stated above. The proposed 5th respondent was a party in O.S.No.205 of 2011 filed by the petitioner, and therefore he is a necessary and proper party in the present suit. The respondents did not file any counter.

4. The learned judge, considering the materials on record, dismissed the application holding that in the cause of action paragraph nothing is stated about the 5th respondent and the petitioner was aware of the judgement dated 03.09.2013 in O.S.No.205 of 2011, at the time of filing of present suit and he is not a necessary and proper party to be impleaded in the suit.

5. From the above facts, it is seen that the petitioner has not given any valid reason for impleading the proposed 5th respondent as to how the 5th respondent is necessary or proper party to the suit.

V.M.VELUMANI, J.

jv

6. The learned Judge considering all the materials available on record dismissed the application by giving cogent and valid reasons. In the circumstance, there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 22.12.2016.

7. In the result Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

08.06.2017

Index : Yes
speaking order/non speaking order
jv

To
The I Additional District Munsif Court,
Bhavani.

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and C.M.P.No.5516 of 2017

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