

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1853 of 2017
& C.M.P.No.8898 of 2017

Raja Manickam

.. Petitioner

Vs.

1. Jothi
2. K.Latha
3. Azhagarsamy
4. The Sub-Registrar, O/o. Sub-Registrar,
Kollidam, Anaikaran Chathiram Post,
Sirkali Post, Nagapattinam District.
5. The Tahsildar,
Sirkali Taluk Office, Sirkali,
Nagapattinam District.
6. The District Collector,
District Collectorate,
Nagapattinam.

.. Respondents

(Respondents 4 to 6 are not necessary parties and hence given up)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final order of the learned District Munsif, Sirkali dated 19.07.2016 made in I.A.No.845 of 2015 in O.S.No.111 of 2009.

For Petitioner : Mr.S.Sounthar

ORDER

This Civil Revision Petition has been filed against the fair and final order of the learned District Munsif, Sirkali dated 19.07.2016 made in I.A.No.845 of 2015 in O.S.No.111 of 2009.

2. Petitioner is the plaintiff, respondents 1 and 2 are defendants 1 and 2 and respondents 3 to 6 are the proposed parties. The petitioner has filed the suit in O.S.No.111 of 2009 for permanent injunction against the respondents 1 and 2. The petitioner filed I.A.No.845 of 2015 to implead the respondents 3 to 6 as defendants in the suit. According to the petitioner, pending suit, the first respondent sold the property to the third respondent through the office of the fourth respondent and fifth respondent issued a patta in favour of the third respondent. In view of the same, they are necessary parties.

3. The first respondent filed counter affidavit and opposed the said application and submitted that the respondents 4 to 6 are not necessary parties.

4. The learned Judge considering the averments made in the affidavit, counter affidavit and took note of the fact that the petitioner has already filed I.A.No.65 of 2013 for impleading the fourth respondent and District Collector, Nagapattinam. While the said application is pending, the petitioner has filed the present application in I.A.No.845 of 2015 to implead the very same parties without withdrawing the earlier application. The learned Judge dismissed the application holding that the sale in favour of the third respondent and change of patta are not relevant issue in the present suit as the petitioner filed the suit for permanent injunction. The petitioner has not stated that how the respondents 4 to 6 are necessary parties to the suit.

5. Against the order of dismissal dated 19.07.2016 made in I.A.No.845 of 2015, the present civil revision petition is filed by the petitioner.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. From the records, it is seen that the petitioner has already

filed I.A.No.65 of 2013, without withdrawing the said application, the petitioner has come out with the present application to implead the respondents 4 to 6. The learned Judge considering all the materials in proper perspective and dismissed the application by exercising his power conferred on him by giving cogent and valid reasons. There is no irregularity or illegality warranting interference by this Court with the order of the learned trial Judge, dated 19.07.2016.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2017

Index : Yes/No

asi/kj

To

District Munsif, Sirkali.

V.M.VELUMANI, J.

asi/kj

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