

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2017

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The Hon'ble Mr.Justice S.M.Subramaniam

C.R.P(PD)No.34 of 2014

and

M.P.No.1 of 2014

1.) A.Asokan

2.) A.Valarmathi

...Revision Petitioners

Vs.

1. S.Kasturi

2. Poongavanam Ammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed by the learned Additional Subordinate Judge, Thiruvannamalai, dated 25.11.2013, in I.A.No.585 of 2012, in O.S.No.59 of 2010.

For Revision Petitioners : M/s.G.Sumithra

For Respondents : M/s.S.Meenakumari

ORDER

The defendants in O.S.No.59 of 2010, on the file of the Additional Subordinate Court, Thiruvannamalai, are the revision petitioners herein.

The plaintiff, viz., first respondent herein has filed the said suit for the relief of partition and separate possession. During the pendency of the suit, the plaintiff filed an Application in I.A.No.585 of 2012, for impleading the wife of the deceased Arumugam, as party to the suit. The said Application was opposed by the revision petitioners, inter alia, contending that the application has been filed only to procrastinate the proceedings. The trial Court, by its order, dated 25.11.2013, allowed the Application for impleadment. Challenging the same, the present Civil Revision Petition is filed by the defendants.

2. M/s.G.Sumithra, the learned counsel appearing for the revision petitioners submitted that, the suit is for partition and separate possession, and the proposed third defendant has nothing to do with the suit schedule properties and she is not necessary party to the suit, since the suit relates to only one property, and therefore, the order of the trial Court, allowing the Application for impleadment is erroneous.

3. M/s.S.Meenakumari the learned counsel for the respondents contended that the proposed party, viz., Poongavanam Ammal is none other

than the wife of the deceased Arumugam, father of the plaintiff, and therefore, she is necessary party, and she has got substantial interest over the suit schedule property. Moreover, the trial Court, in its findings, stated that the Arumugam died, and his wife and sons are also stated to be the co-sharers of the property, and the suit is for partition, and therefore, it is necessary to implead the wife of the deceased Arumugam, viz., Poogavanammal.

4. Heard the learned counsel appearing for the revision petitioners and learned counsel for respondents.

5. This Court is of the view that all necessary parties should be impleaded in the suit, for an effective adjudication and for the purpose of arriving at a clear-cut conclusion. When there is an averment that the parties sought to be impleaded are having some interest over the suit property, it is always better to implead them in order to avoid multiplicity of proceedings. In the event of impleading the person, who has got some interest over the property, no prejudice would be caused to either parties to the suit. Contrarily, in the event of not impleading, then, there is a scope for

further litigation by other parties, to claim some interest or otherwise over the suit properties. Such a scale should be adopted, while deciding the impleading petition and accordingly, the trial Court has rightly allowed the implead Petition, and I do not find any illegality or perversity in the order passed by the trial Court. Accordingly, the fair and decreetal order passed by the learned Additional Subordinate Judge, Thiruvannamalai, dated 25.11.2013, in I.A.No.585 of 2012, in O.S.No.59 of 2010 is confirmed.

6. In the result, the Civil Revision Petition is dismissed, as being devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

24.02.2017

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Index : Yes/No
Internet ; Yes/No

To

The Additional Subordinate Judge,
Thiruvannamalai.

S.M.Subramaniam, J.,

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