

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.396 of 2017
and C.M.P.No.1791 of 2017

B.N.Mani

.. Petitioner

-Vs.-

1. Latha

2. The District Collector, Erode

3. The Tahsildar, Bhavani

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and final order of the learned II Additional District Munsif, Bhavani dated 08.09.2016 passed in I.A.No.96 of 2016 in O.S.No.84 of 2016.

For petitioner ...Mr.Chandrasekar

O R D E R

The plaintiff is the revision petitioner challenging the order refusing to implead the District Collect and the Tahsildar, Bhavani as parties to the suit.

2. The suit is filed for fixation of boundaries in the suit property with the assistance of a Town Surveyor by appointing an Advocate Commissioner and for permanent injunction.

3. The suit is of the year 2011 and the trial has commenced and the plaintiff is being cross examined. At this juncture, the plaintiff has filed I.A.No.96 of 2016 to implead the proposed parties as defendants 2 and 3 in the original suit.

4. The said application was resisted by the defendants contending that they are neither necessary nor proper parties to the suit.

5. The trial Court, after considering the arguments, has dismissed the said application, against which, the above revision has been filed.

6. The order of the trial Court is correct for the following reasons.

(i) First of all, there is no cause of action pleaded against the proposed parties.

(ii) Secondly, the plaintiff has not even made an application to the proposed parties for demarcation of the suit property.

(iii) Thirdly, though the suit is filed in the year 2011, the application is filed only in the year 2016. The trial has commenced and P.W.1 was examined in chief and cross.

7. It is also not stated as to whether the proposed parties are necessary for proper adjudication of the suit reliefs. No serious prejudice would be caused either to the plaintiff or to the proposed parties, if the suit is adjudicated in their absence.

8. In such circumstances, the order of the trial Court is correct and does not warrant any interference by this Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2017

srn

PUSHPA SATHYANARAYANA.J

srn

To

The learned II Additional District Munsif,
Bhavani

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