

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2017

Coram

THE HON'BLE MR.JUSTICE **D. KRISHNAKUMAR**

C.R.P.PD.No.4249 of 2017
and CMP.No.19909 of 2017

R.Thilasimani

...Petitioner

Vs.

1.Pushpa

2.Ranganathan

3.Mounasamy

4.Jagadesh

5.Gobi Krishnan

6.Shantha

7.The Coimbatore Municipal Corporation,
Big Bazaar Street,
Coimbatore.

8.The Local Planning Authority Tata Bad,
Sivananda Colony,
Coimbatore.

9.The Assistant Director of Survey and Land Records,
Coimbatore.

10.The Thasildar (North)
Coimbatore.

11.The Revenue Divisional Officer,
Collectorate,

Coimbatore-18.

12.The District Revenue Officer,
Collectorate,
Coimbatore-18.

13.The District Collector,
Collectorate,
Coimbatore-18.

...Respondents

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the Fair and Final Order dated 15.06.2017 made I.A.No. 256 of 2017 in O.S.No.80 of 2005 on the file of the III Additional District Munsif, Coimbatore.

For Petitioner : Mr.K.S.Karthik Raja

ORDER

According to the petitioner, the Petitioner has filed a suit in O.S.No.80 of 2005 before the learned III Additional District Munsif, Coimbatore against the respondents for permanent injunction and for declaration over the B Schedule properties. After written statement has been filed by the defendants, the petitioner has filed the instant application in I.A.No.256 of 2017 to implead the respondents 10 to 13 herein as defendants 10 to 13 in the said suit and the same was dismissed. Challenging the aforesaid order, the petitioner has filed the

present Civil Revision Petition before this Court.

2. The learned counsel for the petitioner would submit that the proposed respondents /defendants are necessary parties in the said suit. It is the specific case of the respondents / defendants that the property are classified as inam land and therefore they are necessary party in the said suit. Hence, the order passed by the court below is liable to be set aside.

3. Considered, the submissions made by the learned counsel for the petitioner and perused the materials available on record.

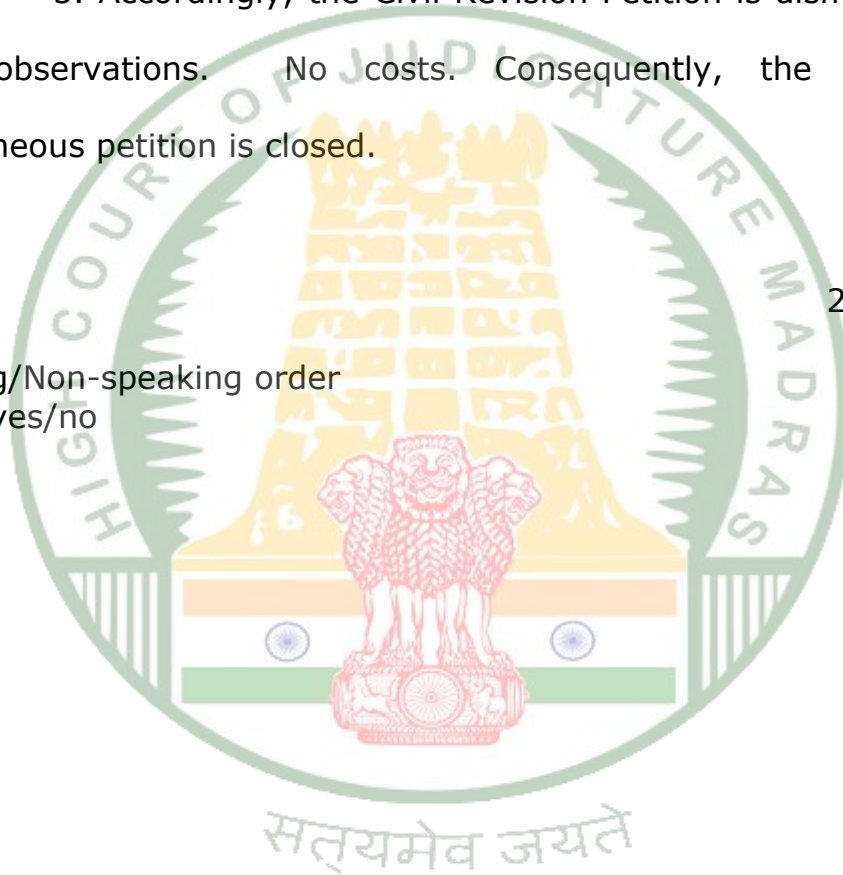
4. The petitioner has filed the present suit in the year 2005 and written statement has been filed by the respondents in the year 2011. Now the matter is taken up for trial. At present, the petitioner has filed the instant application to implead the respondents 10 to 13 herein as defendants in the said suit. Even the petitioner has filed the present application after more than 11 years from filing of the suit. If the petitioner wants to established his case, he can produce the necessary documents and witness at the time of trial to prove his case

in the said suit. Without any reason for the belated application filed by the petitioner, this Court is not inclined to entertain the Civil Revision Petition. No prima facie case is made out in favour of the petitioner.

5. Accordingly, the Civil Revision Petition is dismissed with above observations. No costs. Consequently, the connected miscellaneous petition is closed.

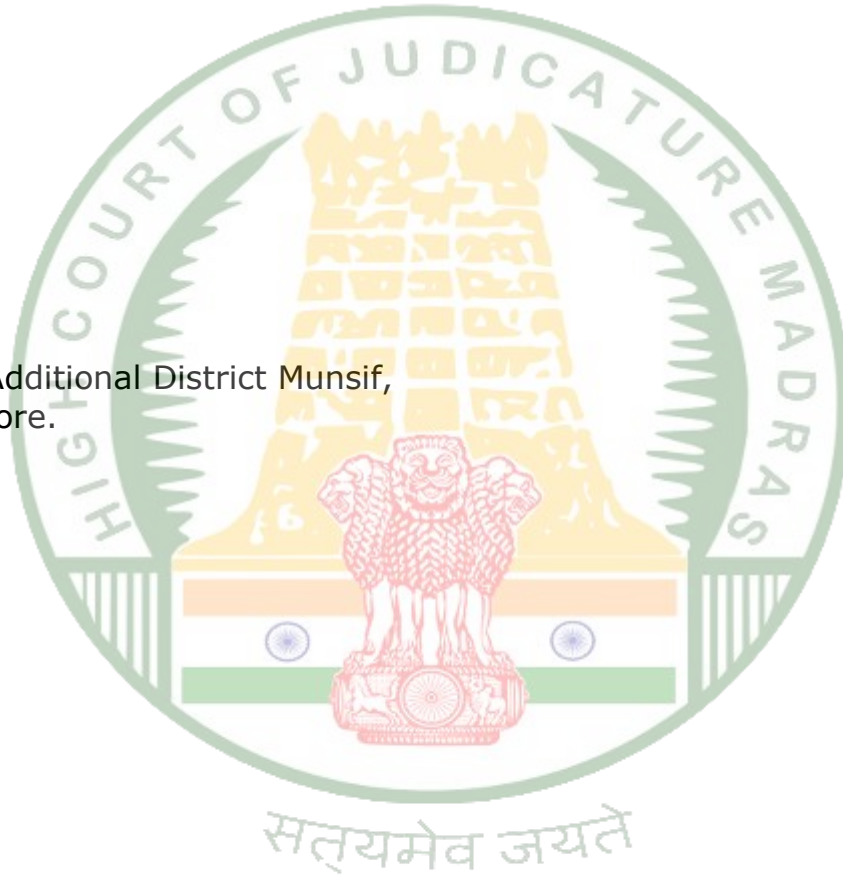
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Speaking/Non-speaking order
Index : yes/no
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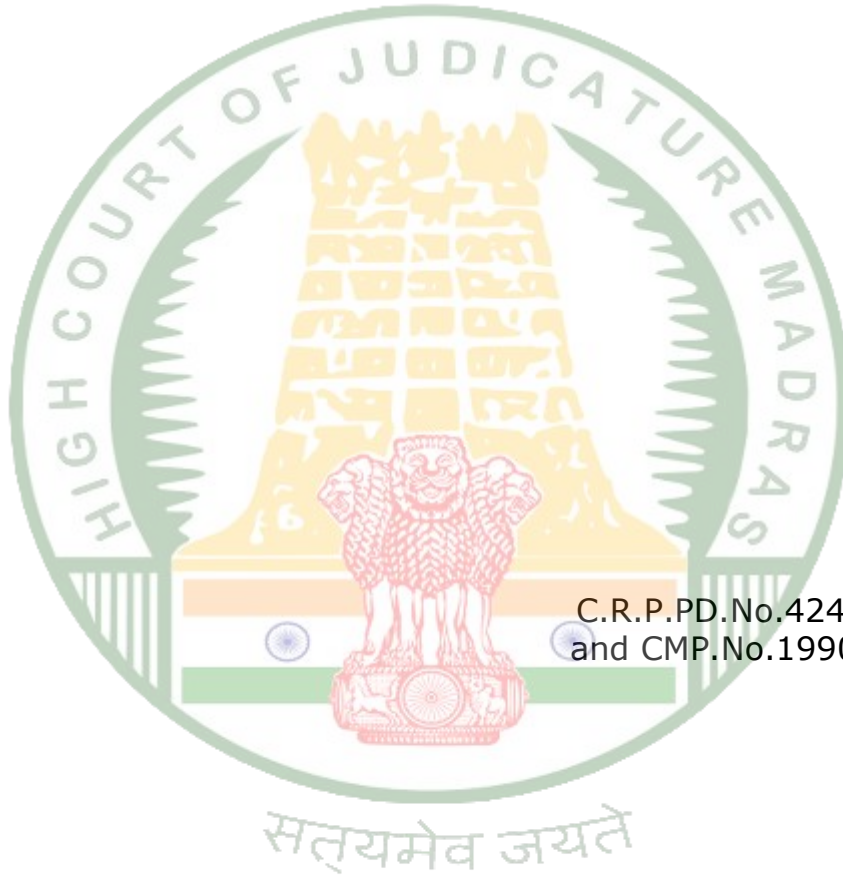
To
The III Additional District Munsif,
Coimbatore.



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D. KRISHNAKUMAR, J.

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