

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.515 of 2017
and C.M.P.No.2566 of 2017

- 1.K.Raja
- 2.K.Selvaraja
- 3.R.Venkidusamy
- 4.R.Velusamy
- 5.K.C.Palanisamy
- 6.N.Parameswaran
- 7.A.Marimuthu
- 8.P.Chinnamuthan
- 9.V.Ramakrishnan
- 10.S.Rajan
- 11.K.Periyasamy
- 12.k.Moorthi
- 13.K.Rangasamy
- 14.N.Kumar
- 15.M.Sarojini
- 16.S.Rangasamy
- 17.P.Rathinasamy
- 18.R.Mariappan @ Bhabini
- 19.K.Srinivasan
- 20.K.C.Chinnasamy

... Petitioners

Vs.

- 1.Karuppa Gounder
- 2.K.Subramaniam
- 3.K.Rammohan
- 4.N.Srinivasan

- Visweshwaran (Died)
5.B.Gopalakrishnan
6.K.B.Venkatesan
7.Hemalatha
8.R.R.Manickam
9.B.Srinivasan
10.S.M.Sivasamy
11.Jayamani

12.Mani Gowder @ Masthi Gowder
Sadaiyappa Gounder (Died)

13.Thanner Pandal Charitable Trust,
rep by Trustee R.Manickam

14.Ganesan
15.V.Lakshmiganthan
16.Karuppusamy @ Shanmugam ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.512 of 2015 in O.S.No.202 of 2012 on the file of the Principal District Court, Erode dated 14.12.2016.

For Petitioner : Mr.V.P.K.Gowtham

ORDER

Challenging the fair and final order passed in I.A.No.515 of 2015 in O.S.No.202 of 2012 on the file of the Principal District Court, Erode, the proposed parties have filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.202 of 2012 under Section 92 of the Civil Procedure Code to pass a Scheme Decree and for other reliefs.

3.The defendants filed their written statement and are contesting the suit.

4.After completion of the trial and when the suit was posted for arguments, the revision petitioners filed an application in I.A.No.515 of 2015 under Order 1 Rule 10 of the Civil Procedure Code to implead them as defendants in the suit. In the affidavit filed in support of the petition, the revision petitioners have stated that the respondents/plaintiffs are not acting on the representative capacity of their Kambanaickenpalayam people and that acting against the interest of the Trust. Further, they have stated that they are proper and necessary parties for the effective adjudication of the suit. The plaintiffs filed their counter disputing the averments stated in the affidavit filed in support of the petition and they have specifically stated that the Trust property is not under the administration of the revision petitioners. Further, the plaintiffs have stated that the petitioners are attempting to grab the Trust property, for which they have filed the suit for passing a Scheme Decree and other reliefs to save the Trust property from the petitioners and others. The trial Court, taking into consideration the case of both parties, dismissed the petition finding that there is no necessity to show that the petitioners are administering the Trust. Further, the trial

Court, while dismissing the application, also observed that the 1st petitioner is having lot of litigation wherein he was an encroacher of the property of others and that he intend to encroach the suit property and was prevented by the well-wishers of the Trust. Since the petitioners have not made out a case for impleading them as defendants in the suit, the trial Court has rightly dismissed the petition. That apart, the application for impleading the proposed parties was filed at the fag-end of the proceedings (i.e.) when the suit was posted for arguments. Since the petitioners have not established their right or interest over the suit property, the trial Court has rightly dismissed the petition.

5.I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
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15.03.2017

To

The Principal District Court,

Erode.

M. DURAISWAMY,J.

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