

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.690 of 2017
and C.M.P.No.3482 of 2017

1. Minor Kowsalya
2. Minor Devisri

Both are minors and
represented by their mother
as Natural Guardian
Dhavamani

.. Petitioners

-Vs.-

1. A.Kannan
2. A.Subramanian
3. The Executive Officer,
Selection Grade,
Town Panchayat,
Mecheri, Mettur Taluk,
Salem District

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 16.11.2016 passed in I.A.No.586 of 2016 in O.S.No.53 of 2016 by the District Munsif, Mettur, Salem District.

For petitioners ... Mr.M.R.Jothimanian

ORDER

The revision petition is filed by the proposed parties, who are the third parties in a suit for bare injunction filed by their father and paternal uncle against the defendant, who is the Town Panchayat, Mecheri, restraining the defendant from laying any road in the suit property, challenging the dismissal order dated 16.11.2016.

2. The contention of the revision petitioners is that the suit property is a joint family property of the petitioners and the first respondent. The first respondent (1st plaintiff) has failed to protect the minor children and his wife and they were deserted. The respondents 1 and 2 have colluded with the third respondent and trying to alienate the suit property. Hence, the petitioners herein seek themselves to be impleaded as parties to the suit proceedings. As stated earlier, the suit itself is for bare injunction against the Town Panchayat not to lay the road. Even presuming that the father is trying to defeat the rights of the minor children, they cannot be made as a party to the present suit, which is only for bare injunction and there is no cause of action arising against the proposed parties. It is also stated that a suit for partition filed by the minor children/proposed parties is also said to be pending. Therefore, it is unnecessary to implead the minors, when

there is no dispute of title or their right is affected in the suit. Hence, the order of the trial Judge does not suffer from any irregularity and the revision is liable to be dismissed.

3. With the above said observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2017

srn

To

The District Munsif, Mettur,
Salem District.

PUSHPA SATHYANARAYANA.J

srn

C.R.P.P.D.No.690 of 2017
and C.M.P.No.3482 of 2017