

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P. (PD) No.7 of 2014 &
M.P.No.1 of 2014

Pavalakkodi

.. Petitioner

-vs-

1.C.Kirupakaran

2.M.Chokkalingam Mudaliyar

.. Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the Principal District Munsif Judge at Kallakurichi, dated 30.06.2013 in I.A.No.2421 of 2012 in O.S.No.136 of 2010.

For Petitioner : No appearance

For Respondents : Mr.P.Valliappan

ORDER

The Revision Petitioner is the Plaintiff in the Suit in O.S.No.136 of 2010.

2.The facts in nutshell relevant for the purpose of disposal of this Civil Revision Petition is that the Revision Petitioner Tmt.Pavalakodi filed a Suit in O.S.No.136 of 2010, seeking for permanent injunction. During the pendency of the Suit, the first respondent herein filed an Interlocutory Application in I.A.No.2421 of 2012, seeking for impleading him as the party respondent in the Suit.

3.The plaintiff in the Suit is the mother of the first respondent herein and the defendant in the Suit is his father and as the Suit scheduled property belongs to the entire family, the plaintiff has no independent right over the property. Further, the first respondent herein has got a right in the suit property and therefore, he is proper and necessary party for effective adjudication of the Suit.

4.Counter denying the allegations were filed in the Interlocutory Application and the trial Court passed a final order on 30.07.2013, and found that the first respondent is the son of Chokkalingam and Pavalakodi and the said relationship was suppressed in the Suit. Therefore, the trial Court came to the conclusion that impleadment of the said Kirupakaran in the Suit is just and proper for effective adjudication of the Original Suit.

5.The findings of the trial Court seems to be candid and convincing. Further, the first respondent herein is none other than the son of the plaintiff and defendant in the Suit. The allegation set out by the first respondent is that as the Suit scheduled property is a family property, the plaintiff has got no independent right over the same.

6.Such being the allegation, this Court is of the view that it is necessary to implead the first respondent herein as a party in the Suit. By impleading him as a party defendant in the Suit, no prejudice would be caused to the other parties to the Suit. But, in the event of non-impleadment of the first respondent herein in the Suit, there is a possibility of multiplicity of proceedings and therefore, this Court is of the opinion that there is no infirmity in the order passed by the trial Court.

7.Accordingly, the order passed in I.A.No.2421 of 2012 in O.S.No.136 of 2010, is confirmed and the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2017

rpa

S.M.SUBRAMANIAM, J.,

rpa

To

1.The Principal District Munsif Judge
Kallakurichi.

C.R.P. (PD) No. 7 of 2014

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