

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **19.01.2017**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

CRP PD No.3586 of 2016
and
C.M.P.No.18290 of 2016

Dahira Banu

.. Petitioner

vs

T.C.Padmavathi (Deceased)
[C.T.accepted vide order of
court dated 25.10.2016 by KKS]
passed in CMP No.16689 of 2016
in CRP SR.No.76314/2016]

1. T.C.Mukunda Kumar
2. T.C.Jagan Mohan
3. T.C.Suresh Babu
4. Nirmala
5. Lakshmi Narayanan
6. P.G.Sundara Ramanujulu
7. P.S.Prema
8. Satheesh
9. Ramesh
10. Geetha
11. Manvel Mony Educational Trust
rep.by its Secretary
Mr.Ronald Joseph Mullar
12. Jayalakshmi
13. Jamuna
14. Thamimimun Ansari

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the
Constitution of India against the order dated 29.02.2016 passed by

the learned Additional District Judge, Chengalpattu in I.A.No.171 of 2015 in O.S.No.370 of 2007.

For Petitioner : Mr.S.Rajeswaran
For Respondents : Mr.J.Saravanakumar
for RR1 to 4
Mr.D.Govinda Reddy
for R14
RR5 to 13 Exparte in
lower court

ORDER

The revision is directed against the order refusing to implead the proposed party as Defendant Nos.10 and 11 in the suit filed by the respondents/plaintiffs. The revision petitioner is the proposed 10th defendant.

2. It is the case of the proposed parties before the court below, that they have purchased the properties at Palavakkam Village. However, in their land, a sign board was put up by stating that E.A.No.100 of 1941 in O.S.No.80 of 1996 is pending before the Chingleput Court and the property belongs to one T.C.Padmavathi. On an enquiry, it was found that the case was still pending and therefore in order to implead themselves in the suit contending that they are the necessary parties, have filed the application in I.A.No.171 of 2015.

(ii) The said application was resisted by the plaintiffs, being a dominus litus in the suit, by contending that the proposed parties have not established their ownership over the suit property and that they are not in any way connected with the suit. Accordingly, prayed for the dismissal of the said application.

(iii) After hearing both sides, the learned trial Judge has pointed out that only in the affidavit filed in support of the said application the proposed parties have stated that the property was purchased by them in the year 2004 whereas someone else had put up the board on the land mentioning about the suit. Though it was claimed by the proposed parties that they have obtained patta along with two other persons and they had also purchased Survey Nos.99 and 99/2 in Palavakkam Village, the proposed parties have not marked any documents in support of their contention. Since the proposed parties had not given any substantial material to implead themselves as a necessary party to the suit, the learned trial Judge dismissed the said application. Aggrieved by the same, the proposed 10th defendant alone has filed this revision.

3. Heard both sides.

4. It is contended by the learned counsel for the revision petitioner that sufficient materials are available with her to prove her right and title in the suit property. However it is omitted to be marked before the trial court. But to show her bona fides, the petitioner has not furnished the same even before this Court, in this revision.

5. In such circumstances, it could only be held that the revision petitioner is not a necessary party to the suit having any right or title over the suit property. Accordingly, I find no reason to interfere with the impugned order passed by the court below.

6. In the result, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.01.2017

vj2

Index: yes/No
Internet: yes
To

The Additional District Judge, Chengalpattu

PUSHPA SATHYANARAYANA,J.,

vj2

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