

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(P.D).No.4026 of 2016
and C.M.P.No.20318 of 2016

Ananthan

.. Petitioner

-Vs. -

1. Peter
2. Mariyasamy
3. Amalraj
4. Annamalai
5. Govindasamy
6. Thomas
7. Albert

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 19.10.2016 made in I.A.No.108 of 2016 in O.S.No.76 of 2013 pending on the file of the Court of II Additional District Munsif Court, Ulundurpet.

For petitioner ... Ms.V.Porkodi

O R D E R

The revision petition is filed against an order dismissing the petition to implead the third party, who is the revision petitioner herein.

2. The suit is filed for permanent injunction with respect to the suit property. The revision petitioner claims that he is the owner of the property, having constructed a house and living there. As the petitioner is in possession of the suit property, he sought himself to be impleaded in the suit. The said application was dismissed by the trial Court on the ground that the petitioner has not established his right or possession over the suit property. However, it is submitted by the revision petitioner that the suit property is a poromboke land. Though the petitioner alleged that he is in possession of the suit property, he should have produced certain documents to prove his possession. When admittedly the suit property is a poromboke land and the suit itself is for injunction filed by the plaintiff, the revision petitioner may not be a necessary party.

3. It is also seen that the suit is of the year 2013. It is ripe for trial and the present Civil Revision Petition is filed only after three years, which also lacks bona-fides. Unless the petitioner establishes his title and possession, he may not be treated as a necessary party. He has to prove that without his presence, the suit cannot be decided and that if

the suit is decided in his absence, serious prejudice would be caused. Hence, the petitioner need not be allowed to be impleaded. Therefore, the learned trial Judge has rightly dismissed the application.

4. In view of the above, there is no infirmity in the impugned order of the trial Court to interfere with. The Civil Revision Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2017

srn

To

The II Additional District Munsif Court,
Ulundurpet.

PUSHPA SATHYANARAYANA.J

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