



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(PD) (MD)Nos.1290 and 1291 of 2015
and
M.P(MD)Nos.1 and 1 of 2015

P.Gurusamy ... Petitioner in both CRP/1st Respondent/Plaintiff

vs.

- 1) J. Ilangovan
- 2) K. Rengaraju .. Respondents 1&2/Petitioner/Proposed 7th and 8th
Defendants in both CRP's
- 3) Jeyaram Naicker
- 4) The Commissioner,
HR & CE,
119 Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
- 5) The Executive Officer,
Thiruthangal Karunellinathaswami Thirukoil,
Thiruthangal,
Sivakasi Taluk, Virudhunagar District.
- 6) District Collector,
Virudhunagar District,
Virudhunagar.
- 7) The RDO
Sivakasi.
- 8) The Tahsildar,
Taluk Office, Sachiapuram, Sivakasi.... Respondents 3 to 8 in both
CRP/Respondents/Defendants 1 to 6

Prayer in CRP.1290/15 : Petition filed under Article 227 of the Constitution of India, against the order dated 04.12.2014 passed in I.A.No.470 of 2013 in O.S.No.198/2013 on the file of the District Munsif, Sivakasi.

Prayer in CRP.1291/15 : Petition filed under Article 227 of the Constitution of India, against the order dated 04.12.2014 passed in I.A.Nos.473 of 2013 in I.A.No.468/2013 in O.S.No.198/2013 on the file of the District Munsif, Sivakasi.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.K.Rajeshwaran

COMMON ORDER

These revision petitions have been filed by the plaintiff in the suit aggrieved by the order passed by the Trial Court allowing



the impleading petition filed by one J.Ilangovan and K.Rengaraju as defendants 7 and 8. The 1st petitioner in the impleading petition/J.Ilangovan is none other than the son of the 1st defendant Jeyaram Naicker.

2.The case of the petitioners in the impleading petition is that they are in possession of the suit property and therefore, they are necessary parties and it is also further claimed by J.Ilangovan that he is the Managing Trustee of Karunellinathaswami Thirukoil, Thaipoosam Mandagapadi Dharmam. This fact is denied and disputed by the plaintiff. The Court below took note of the fact that in the other suit filed by the Executive Officer of the HR & CE Department, Jeyaram Naicker and his son J.Ilangovan are defendants and therefore, no prejudice will be caused to the plaintiff, if J.Ilangovan and K.Rengaraju are impleaded. On the said ground, the impleading petition was allowed.

3.The plaintiff is aggrieved by certain observation made by the Trial Court. For impleading these two persons, primarily, there is a serious contention regarding the status claimed by J.Ilangovan as Managing Trustee of the Mandagapadi Dharmam. Further, while his father Jeyaram Naicker is already a defendant in the present suit, there is no necessity to implead his son as well as the so-called lease-holder K.Rengaraju, when these facts are not proved.

4.It is true that the status of these two impleading parties been discussed by the Trial Court while allowing the application. However, it is not the end of the dispute regarding their status or character. It is always open to the plaintiff to question their status and their right to enjoy the suit property whatsoever. Therefore, this Court finds no reason to interfere in the order passed by the Trial Court impleading J.Ilangovan and K.Rengaraju as defendants 7 and 8. However, any observation made by the Trial Court for allowing the impleading petition shall not stand in the way of the Trial Court while deciding the suit.

With this observation, these Civil Revision Petitions are dismissed. No costs. Consequently, M.P(MD)Nos.1 and 1 of 2015 are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif,
Sivakasi.

+1 cc to Mr.K.RAJESHWARAN, ADVOCATE, SR NO.13347
MAS/PM-PN:15.03.2017:2P-3C