



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP (MD) No.1050 of 2017 (PD)

and

CMP (MD) No.4630 of 2017

P.N.Murugan

..Petitioner/Petitioner/Plaintiff

Vs.

1. Kala

..Respondent/Respondent/Defendant

2. Gurupakkiyam

..Respondent/Respondent/
Proposed 2nd Defendant

Prayer:- Civil Revision Petition filed the Under Article 227 of the Constitution of India, against the order passed in I.A.No.134 of 2016 dated 13.03.2017 in O.S.No.134 of 2013 on the file learned Additional District Munsif, Srivilliputhur and to set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Manickam

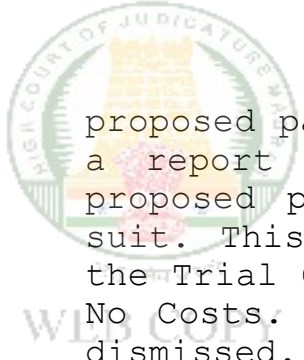
ORDER

This revision petition is filed against the dismissal order of the Trial Court to implead one Gurubackiyam in the suit in O.S.No.134 of 2013, which is pending since 2013.

2. Heard the learned counsel for the petitioner and perused the materials available in the records.

3. The case of the revision petitioner is that the suit property was encroached by the first respondent Kala and hence he has initiated the suit for declaration and possession as against her. Pending suit, the Advocate Commissioner inspected the suit property and has filed a report and from the report, the revision petitioner has come to know that other portions of the suit property has been encroached by the proposed defendant and therefore he must be impleaded in the suit.

4. The Trial Court after considering the facts of the case has rightly dismissed the application holding that in the pleadings, there is no cause of action as against the proposed defendant and when there is no pleadings or cause of action as against the



proposed parties, just because the Advocate Commissioner has given a report that the suit property has been encroached by the proposed party, such a person cannot be impleaded in a pending suit. This Court finds no reason to interfere with the order of the Trial Court. Hence, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Srivilliputhur.

+1 CC to M/s.R.ARAVINDRAJ, Advocate, SR No. 58138.

PJL

PSM/MR/SAR2/09.06.2017/2P/3C

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