



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.06.2017

CORAM

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (PD) (MD) No.1131 of 2017

and

C.M.P. (MD) No.5170 of 2017

Rajaangam

.. Petitioner

Vs.

1.Thanga Pappa

2.Maandhurai

.. Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 21.12.2016 passed in I.A.No.206 of 2016 in O.S.No.269 of 2013 on the file of the District Munsif, Thiruvaiyaru.

For Petitioner : Mr.R.Nandakumar

ORDER

The revision petition is directed against the dismissal of the application filed by the revision petitioner herein/third party to get himself impleaded in a suit filed for bare injunction.

2.The case of the revision petitioner is that the defendant in the suit is his son and he is in actual possession of suit property as a cultivating tenant and therefore, he is necessary party to the suit.

3.The Trial Court after considering the plea of the revision petitioner has concluded that the petitioner has not produced substantial document or evidence to show that he has got interest in the suit property except stating that he is cultivating the suit land as a cultivating tenant.

4.The suit is for a bare injunction. The petitioner is not a proper or necessary party under Order 1 Rule 10 as no relief is sought against him in the suit. This Court finds no error in the order passed by the Trial Court. If at all the revision petitioner has got any interest in the suit property, he has to work out his remedy elsewhere with all evidence and materials available with him. He cannot get himself impleaded in a suit filed by the landlord for bare injunction against some third party.



Hence, this Civil Revision Petition is dismissed. No Costs.
Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Thiruvaiyaru.

+ 1 CC TO Mr.R.NANDAKUMAR, ADVOCATE IN SR No. 60707

MRN/TA

TE/KP/SAR-I : 28/06/2017 : 2P/3C

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