



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (MD) No.2221 of 2017
and
CMP (MD) No.10863 of 2017

C.Rajamony ... Petitioner/Petitioner/Plaintiff

Vs.

M.Selvaraj (Died)
S/o.Manuvel

- 1.R.Wilson
- 2.R.John
- 3.T.Julious Raj
- 4.S.Sundarraaj
- 5.S.Justin
- 6.J.Selvakumar
- 7.J.Lawrence
- 8.M.Thankaraj
- 9.J.Amutha

... Respondents 1 to 9/
Respondents 1 to 9/Defendants

- 10.TN-74 7144
Tempo Vehicle and its owner,
Driver known
Address not known.

- 11.TN-74 9169
Tempo Vehicle and its owner,
Driver known
Address not known.

- 12.C.Jerin
13.C.Sujir
14.Eswaradhas
15.T.N.75B 1266,
Arulmatha Tempo vehicle and,
owner cum driver.

- 16.Elvin Stephen
17.A.Nelson
18.P.Saul
19.T.Preme Singh
20.T.Dhanabalan
21.J.Edward
22.Sundar Singh



23.A.Stalin Jose

24.Rajesh

25.Thavamoni

26.Uma

27.Kanagaraaj

28.The State of Tamilnadu,

Represented by its

District Collector,

Nagercoil.

... Respondents 10 to 28/Proposed
Respondents 10 to 28/
Proposed defendants

Prayer: Civil Revision Petition is filed under article 227 of Constitution of India, to allow the above Civil Revision Petition thereby setting aside the order and decree dated 29.08.2017 passed in I.A.No.158 of 2011 in O.S.No.53 of 1999 on the file of Sub-Court, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.B.Prahalad Ravi

O R D E R

The Revision Petitioner is the plaintiff in O.S.No.53 of 1999 on the file of Sub-Court, Padmanabhapuram, Kanyakumari District.

2.The suit is one for damages and for permanent injunction. The case of the Revision Petitioner is that the suit schedule property though belonging to the first defendant was in his lawful possession as lessee. While so, the first defendant illegally trespassed into the said property and also demolished the premises and other valuable items belonging to the plaintiff. A criminal case was registered at the first instance of plaintiff. The plaintiff resorted to civil action as well as criminal proceedings. While so, he filed I.A.No.158 of 2011 for impleading a number of other persons also. The case of the Revision Petitioner is that those proposed parties had also taken part in the trespass and caused damage.

3.The learned trial Judge dismissed the said I.A.No.158 of 2011, dated 29.08.2017. Aggrieved by the same this appeal has been filed. Admittedly, the suit was filed in the year 1999. As many as eight persons were arrayed as defendants. Two more defendants were added subsequently. While so, seeking to implead a number of persons a full twelve years after the institution of suit can only be termed as vexatious. If persons are made party to suit proceedings, they have to necessarily engage counsel and take part in the litigation. If the revision petitioner was of the view that the persons, now proposed to be impleaded as parties had also contributed to the cause of action, nothing stopped him from make them defendants in the first instance itself.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The Suit was filed in April 1999. The cause of action arose on 06.03.1999. If the proposed parties had played any role



subsequent to the institution of the suit, they can be impleaded later. And when the reason for impleading them is trespass that took place prior to suit, there is no justification for filing implead application twelve years after filing of the suit.

5. In view of the lapse of time, no relief can be granted against them. The bar of limitation would clearly come into play. Therefore, the learned trial Judge was absolutely justified in dismissing I.A.No.158 of 2011 filed by the revision petitioner. I see no ground to interfere. Therefore, this Civil Revision Petition is dismissed at the stage of admission itself. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD)

/True Copy/

Sub-Assistant Registrar

To

The Sub-Court, Padmanabhapuram,
Kanyakumari District.

+One cc to Mr.B.Prahalad Ravi, Advocate, SR.No.90487

PSD

RL/3C/3P/SKN/RSK/SAR1/12/12/2017

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and
C.M.P. (MD) No.10863 of 2017

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