



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD) No. 259 of 2017 and
CMP(MD).No.1212 of 2017

Sankaran

..Petitioner/Petitioner/Plaintiff

Vs.

1. Ayyappan

..1st Respondent/Respondent/Defendant

2. Shanmugasundaram

3. The Municipal Commissioner,
Pudukkottai Municipality,

South Raja Veedhi, Pudukkottai.

..Respondents 2&3/
Proposed Defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the District Munsif Court, Pudukkottai, in I.A.No.214 of 2015 in O.S.No.40 of 2014 on 20.09.2016.

For Petitioner

:Mr. A. Anandan

O R D E R

This Civil Revision Petition is filed to set aside the fair and decreetal order passed by the District Munsif Court, Pudukkottai, in I.A.No.214 of 2015 in O.S.No.40 of 2014 on 20.09.2016.

2. The petitioner who is the plaintiff filed suit for injunction restraining the first respondent from interfering with his peaceful possession and enjoyment of the suit property. Subsequently, filed I.A.No.214 of 2015 to implead one Kumar and third respondent as defendants 2 and 3. Again he filed another Interlocutory Application in I.A.No.622 of 2015 to substitute the second respondent instead of Kumar.

3. According to the petitioner, the first respondent in the written statement has stated that the respondents 2 and 3 are necessary and proper parties to the suit.

<https://hcservices.ecourts.gov.in/hcservices/> The learned Judge considering the fact that petitioner filed suit for injunction and no allegation made against the respondents 2 and 3 dismissed the application. The learned Judge



also took note of the fact that the petitioner has not filed any application for amendment of plaint to include relief of declaration, even though such representation has been made in the Court.

5. Against the said order, present Civil Revision Petition has been filed.

6. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. The petitioner has filed the suit for injunction against the first respondent restraining him from interfering with his peaceful possession and enjoyment of the suit property. All the allegations are made only against first respondent. There is no averments made in the plaint against the respondents 2 and 3.

8. The learned Judge considering the nature of relief sought for in the suit and the averments made in the plaint dismissed the Interlocutory Application in I.A.No.214 of 2015 holding that the respondents 2 and 3 are not necessary and proper parties to the suit. The learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

9. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif Court, Pudukkottai,
+One cc to Mr.A.Anandan, Advocate, SR.No.6957
trp
RL/3C/2P/PM/10.3.2017

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