



that legal heirs of the deceased second defendant are not necessary parties as the first respondent claimed relief against original owner of the property only. The petitioner alone is owner of the property and therefore, the petitioner prayed for dismissal of the Interlocutory Application.

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3. The learned Judge considering all the averments in the affidavit and counter affidavit allowed the application.

4. Against the said order, the petitioner filed the present revision.

5. The learned counsel appearing for the petitioner submitted that the legal heirs of the deceased second defendant are not necessary party as second defendant is not owner of the property. The sixth respondent is stranger and he is not legal heir of the deceased second defendant. The petitioner is owner of the suit property and therefore, prayed for allowing the Civil Revision Petition.

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

7. It is an admitted fact that second defendant died on 28.05.2016. In the circumstances, the first defendant filed Interlocutory Application in I.A.No.503 of 2016 for impleading legal heirs of the deceased, second defendant. The contention of the petitioner is that, she is owner of the suit property and that plaintiff can seek relief of possession only against the original owner and legal heirs of the deceased second defendant are not necessary parties is devoid of merits. The legal heirs of deceased second defendant are necessary parties to decide the issue in the suit otherwise it will lead multiplicity of the proceedings. In the circumstances, there is no error in the order passed by the learned Judge.

8. The learned Judge has considered all the materials on record in proper perspective and has given cogent and valid reasons for allowing the I.A.No.503 2016 in O.S.No.49 of 2012 on the file of the learned District Munsif Court, Thiruchendur, Thoothukudi District. Further 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 (CO)



trp

To

The District Munsif,
Thiruchendur, Thoothukudi District,

+1CC to Mr.A.D.Ganesha Moorthi, Advocate Sr.No.8162

GJM/PM/PN/16.3.17-3p-3c

CRP (MD) .No.279 of 2017 and
CMP (MD) .No.1323 of 2017
14.02.2017