



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

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C.R.P. (PD) (MD) No.371 of 2018
and C.M.P. (MD) No.1662 of 2018

1. G.Kannan
2. Rajagopal

... Revision Petitioners/Petitioners/
Plaintiffs

-Vs-

1. Pandiyalakshmi
2. Revathi
3. Senthilvel
4. Papanasakani

5. The Panchayat President
Poolayoorani Panchayat
Sivakasi Taluk,
Virudhunagar District.

6. The Block Development Officer,
Sivakasi Panchayat Union,
Sivakasi Taluk,
Virudhunagar District.

7. The Tahsildar
Sivakasi Taluk,
Virudhunagar District.

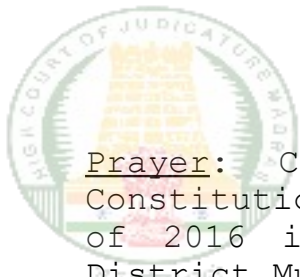
8. The Revenue Divisional Officer,
Sivakasi Sub Division,
Sivakasi Taluk,
Virudhunagar District.

9. The District Collector,
Virudhunagar District,
Virudhunagar.

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

10. G.Vanaja
11. N.Girija
12. A.Mohana
13. P.Rajasree
14. T.Sathishkumar

... Proposed Parties 10to15/Respondents/
Respondents



Prayer: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order in I.A.No.996 of 2016 in O.S.No.210 of 2014 dated 04.01.2018 by the learned District Munsif Court, Sivakasi.

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For Petitioners : Mr.S.Lakshmi Gopinathan
For M/s.Polax Legal Solutions

For R1 to R3 : Mr.M.Ashok Kumar

For R5 and R7 to R9 : Mr.Aayiram K.Selvakumar
Addl. Govt. Pleader

For R4,R6,R10 to R15 : No Appearance

ORDER

The Civil Revision Petitioners are the plaintiffs in the suit in O.S.No.210 of 2014 on the file of the learned District Munsif Court, Sivakasi and in the suit, the plaintiffs sought for permanent injunction, etc. During pendency of the suit, the plaintiff had filed an application in I.A.No.996 of 2016 for impleading the proposed respondents herein as defendants 10 to 15 in the suit and the said application was dismissed on the ground that quietus can be given to the suit without even impleading them as defendants in the suit. Aggrieved by the said finding, the petitioners are before this Court.

2. It is the case of the petitioners that the proposed respondents are relatives to defendants 1 to 4 and when a dispute arose in respect of a pathway between the plaintiffs and the defendants 1 to 4, it was the proposed parties, who came forward along with one Rajeswari to solve the problem. It is the further case of the petitioners that after the death of the said Rajeswari, the defendants 1 to 4 did not attempt to pacify the problem, instead, they started creating problems to the plaintiffs and causing hindrance to the suit schedule property. When the proposed parties were approached to solve the problem, they insulted the plaintiff and also humiliated them and unless they are added as parties to the suit, no quietus can be given to the issue and therefore, it is prayed that they are necessary parties to the suit and the order of the Trial Court is to be set aside.

3. Per contra, learned counsel for the respondents 1 to 3 would contend that it is incorrect to state that the proposed parties are relatives to the defendants 1 to 4 and in fact, the 14th proposed party only sold out the plot to the defendants 1 & 2. He would further contend that the petitioners have been filing petitions one after the other and they are not at all interested in bringing the issue to a logical end. Hence, it is prayed that this petition is liable to be dismissed.



4. Heard the learned counsel for the petitioners, the learned counsel for R1 to R3, the learned Additional Government Pleader appearing for R5 and R7 to R9 and also perused the material documents available on record.

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5. A perusal of the relief sought for in the suit would unfold the fact that the suit was originally filed by the plaintiffs for permanent injunction against the defendants and not against the proposed parties. In the absence of any specific averments raised in the suit as against the proposed parties, there is no necessity in adding them as parties to the suit, as it will pave way only to multiplicity of litigations. Of course, it is true that the Court can implead any party at any stage of proceedings under Order 1 Rule 10(2) CPC, if it appears to be just and necessary to decide the issue. But, at the same time, the Court is required to exercise its discretion and decide as to whether in the absence of such parties, whether the Court would be in a position to effectively and completely adjudicate and settle all the questions, which are involved in the suit. In this case, the petitioners did not show sufficient cause for adding the proposed parties as defendants in the suit, as the suit was filed by the plaintiffs for permanent injunction and it is incumbent upon the plaintiffs to prove their case. As rightly pointed out by the Trial Court, even in the absence of the proposed parties, the issue could be resolved and the quietus can be given and as such, no necessity arose for impleading them as parties to the suit.

6. In view of the foregoing discussions and observations, this Court is of the view that the finding of the Trial Court is perfectly valid and it does not call for any interference by this Court.

7. In the result,

a) this Civil Revision Petition is dismissed, thereby confirming the order dated 04.01.2018 passed in I.A.No.996 of 2016 in O.S.No.210 of 2014 by the learned District Munsif Court, Sivakasi;

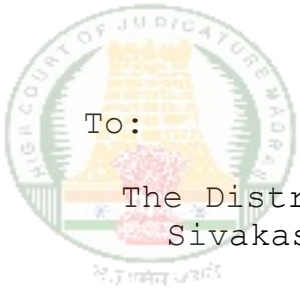
b) the learned District Munsif Court, Sivakasi is directed to dispose of the suit in O.S.No.210 of 2014, within a period of four months from the date of receipt of a copy of this order, by conducting the trial on day-to-day basis without giving any adjournment to either parties and the parties shall cooperate for disposal of the suit within the stipulated time as indicated above.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

The District Munsif,
Sivakasi.

+1CC to M/s.Polax Legal Solutions, Advocate, SR.No.73711

+1CC to Mr.M.Ashok Kumar, Advocate, SR.No. 73622

C.R.P. (PD) (MD) No.371 of 2018
16.07.2018

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ES/RP/SAR 1/24.09.2018/4P/4C