



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018
(Reserved on 08.12.2017)

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CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (PD) (MD) No.1726 of 2015
and
MP (MD) No.1 of 2015

Ananda Krishnan ... Petitioner/Proposed 2nd Defendant

vs.

1) S. Jeyaraman
2) V. Kalimuthu ... Respondents 1&2/Plaintiffs

3) The Executive Officer,
Manamadurai Selection Grade Municipality,
Manamadurai Town,
Manamadurai Circle,
Sivagangai District. ... 3rd Respondent/Defendant

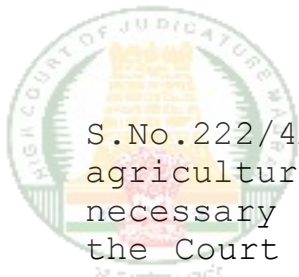
Petition filed under Article 227 of the Constitution of India, against the order dated 29.04.2015 passed in unnumbered I.A.No.78 of 2015 in O.S.No.26 of 2014 on the file of the Principal District Munsif Court, Manamadurai.

For Petitioner	: Mr.A.Sivaji
For R1 & R2	: Mr.C.Jawahar Ravindran
For R3	: Mr.G.Muthukannan

ORDER

This Civil Revision Petition has been filed against the order dated 29.04.2015 passed in unnumbered I.A.No.78 of 2015 in O.S.No.26 of 2014 on the file of the Principal District Munsif Court, Manamadurai.

2.The brief facts of the case is that the revision petitioner is the proposed 2nd defendant and the respondents 1 and 2 are plaintiffs in O.S.No.26 of 2014 and the 3rd respondent is the defendant in the said suit. The suit is for mandatory injunction and permanent injunction against the defendant/Manamadurai Municipality. Pending suit, the revision petitioner filed an impleading petition to implead himself as 2nd defendant in the suit, contending that he has purchased the suit property in



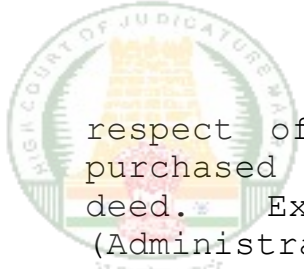
S.No.222/4A vide Ex.A1-sale deed and he is carrying on agricultural activities in the said land. Therefore, he is a necessary party for effective adjudication of the suit. However, the Court below dismissed the impleading application. Hence, the present revision petition has been filed.

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3.Heard the learned counsel for the parties and perused the materials available on record.

4.Perusal of record discloses that the suit property comprised in S.No.222/4 was originally owned by one Chithrakudumban, who has three daughters namely, Chinnapillai, Karuppayee and Meenatchi. The said Chithrakudumban who is the owner of the suit property in S.No.222/4 measuring 1 acre and 48 cents, executed a registered will on 01.10.1943, bequeathing half share in the suit property in S.No.222/4 in favour of his daughter Karuppayee and her husband Chinnandi and 1/4 share each in respect of his daughters, Chinnapillai and Meenatchi. After the death of Chithrakudumban, the above said will came into force and the suit property was divided as per the will and given to the beneficiaries of the will. Thereafter, during UDR survey, the suit property was subdivided into S.Nos.222/4A, 222/4B, 222/4C and 222/4D and in respect of S.No.222/4A, instead of giving patta in favour of Karuppayee, it was wrongly given to Meenatchi and Ramachandran who is the son of Karuppayee. The said Meenatchi by a will dated 27.08.1987 bequeathed S.No.222/4A in favour of her grand daughter Leelavathi and through her, the respondents 1 and 2/plaintiffs purchased the same. Thereafter, S.No.222/4A was sub divided into S.No.222/4A1 and S.No.222/4A2 and change of patta was also obtained by the plaintiffs. While so, a case under Section 468, 471, 473 and 120(B) IPC, was registered against the revision petitioner and Ramachandran, son of Karuppayee, stating that they along with others created forged documents in respect of the land in S.No.222/4A and sold the same. In this regard, FIR dated 18.06.2013 filed against the revision petitioner and others has been marked as Ex.B13. The arrest report dated 18.06.2013 in respect of the arrest of the revision petitioner and Ramachandran, son of Karuppayee, has been marked as Ex.B14.

5.Perusal of record further discloses that the respondents 1 and 2/plaintiffs produced documents to prove that S.No.222/4A measuring 0.18.0 ares, stood in the name of C.Meenatchi vide patta No.782 and initially they purchased 4 ares vide sale deed under Ex.B1 dated 10.03.2000 and thereafter, remaining 14 ares vide sale deed under Ex.B3 dated 19.03.2013 and 10(1) computer chitta in respect of the above said extent of land has been marked as Ex.B2 dated 04.03.2014 and Ex.B4 dated 04.03.2014 respectively. According to the respondents 1 and 2/plaintiffs, the said Ramachandran and one Meenatchi Sundaram, who are the sons of Chinnandi, husband of Karuppayee, created a forged patta in



respect of S.No.222/4A, through which, the revision petitioner purchased the land in S.No.222/4A on 05.06.2013 under Ex.A1-sale deed. Ex.B16 is the order passed by the District Registrar (Administration), in which, he has requested the Police to take action against the revision petitioner for forged registration of documents. Therefore, it is clear that before the purchase of suit property in S.No.222/4A by the revision petitioner, the respondents 1 and 2/plaintiffs purchased the same and got change of patta in their favour and thereafter filed the present suit.

6.It is seen from the records that FIR has been registered on 18.06.2013 in Crime No.334/13 against the revision petitioner and Ramachandran stating that Ex.A1 sale deed dated 05.06.2013 is a forged one. Thereafter, the revision petitioner filed O.S.No.103/2013 against the respondents 1 and 2/plaintiffs. The said Ramachandran and Meenatchi Sundaram also filed O.S.No.27/2009 against Leelavathi, Indirani who is the mother of Leelavathi, and Jayaraman, 1st respondent herein, which has been dismissed on the ground of pecuniary jurisdiction, against which CRP(MD)No.785/2011 has been filed.

7.The present suit in O.S.No.26/2014 has been filed by the respondents 1 and 2/plaintiffs directing the defendant/Executive Officer, Manamadurai Town Panchayat, to form a way for ingress and egress to Madurai-Rameshwaram National Highway and also for a permanent injunction in respect of the said way.

8.When Ex.A1-sale deed dated 05.06.2013, through which, the revision petitioner stated to have purchased the land in S.No.222/4A, itself is disputed and stated to be a forged one, for that, a case also has been registered for forged registration of documents, this Court is of the considered opinion that the claim of the revision petitioner/proposed 2nd defendant to implead himself in the present suit is not tenable. The revision petitioner himself filed the suit in O.S.No.103/2013 in respect of S.No.222/4A against the respondents 1 and 2/plaintiffs. If he really interested in pursuing the suit, he would have prayed for joint trial of O.S.Nos.103/2013 and the present suit O.S.No.26/2014 and without doing so, filing of the present impleading petition itself shows that his intention is only to protract the proceedings. Further, under Order 1 Rule 10(2) CPC, a party who seeks impleadment should be a necessary party for the effective adjudication of the dispute. A prima facie case has been made out through the above circumstances that the sale deed executed in favour of the revision petitioner is a forged one, for which, a criminal case has been registered against the revision petitioner and others. Therefore, in my considered opinion, the learned Judge has rightly dismissed the impleading petition which does not warrant interference at the hands of this Court. It is needless to state that any observations made in this order will



not affect the proceedings in O.S.No.26 of 2014 and it shall be decided independently on its own merits.

Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Principal District Munsif,
Manamadurai.

Copy To:-

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.A.SIVAJI, ADVOCATE IN SR No. 77839
+ 2 CC TO Mr.C.JAWHAR RAVINDRAN, ADVOCATE IN SR No. 77794

BALA

TE/RP/SAR-3 : 23/08/2018 : 4P/7C

CRP (PD) (MD) No.1726 of 2015
09.08.2018

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