



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018
(Reserved on 17.11.2017)

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CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (PD) (MD) No.1984 of 2017
and
CMP (MD) No.10014 of 2017

1) A. Subramanian
2) M. Ramasamy

...Petitioners/Petitioners/
Plaintiffs

vs.

1) Allampatti Devangar Mahajana
Sabhais represented through
its President S. Subramani
2) Allampatti Devangar Mahajana
Sabhais represented through
its Secretary Nagamani (Died)
3) R. M. Rengarajan
4) P. Solaichamy
5) M. Manisankar
6) N. Ashokkumar
7) S. Rajendran
8) R. Gunasekaran
9) S. Velmurugan
10) P. Natarajan
11) M. Nagendran
12) B. Selvakumar
13) M. R. V. Pandi
14) V. Senthilkumar
15) K. Sankarapandi
16) K. Mahendran
17) S. Ramasamy
18) S. Saravanan
19) S. Murugan
20) J. Natarajan
21) K. Eswaran
22) C. Rajagopal
23) S. Natarajan
24) P. Annamalai
25) A. M. S. Natarajan
26) I. Rahman



27) N. Rajachandrasekaran

... Respondents 1 to 27/

Respondents/Defendants

28) Ravindran

29) Balaji

30) Pandi

31) Sakthivel

32) Malligarjunan

33) S. Sankar Ganesh

34) A. Selvakumar

35) S. Sivasankar

36) M. Solaiappan

... Proposed Respondents 28 to 36/

Proposed Respondents 28 to 36

(Respondents 14, 15, 17, 19, 20,
23 to 26 & 28 to 36 are
exparte in IA)

Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.08.2017 passed in I.A.No.144 of 2016 in O.S.No.127 of 2012 on the file of District Munsif Court, Virudhunagar.

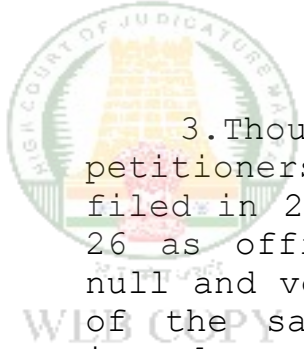
For Petitioners: Mr.A.Sivaji

For Respondents: No appearance

ORDER

This revision petition has been filed against the fair and decreetal order dated 08.08.2017 passed in I.A.No.144 of 2016 in O.S.No.127 of 2012 on the file of District Munsif Court, Virudhunagar.

2. The revision petitioners are plaintiffs in O.S.No.127 of 2012 on the file of District Munsif Court, Virudhunagar, and the respondents 1 to 27 are defendants. The above suit was filed for a declaration that the election of the respondents 3 to 26/defendants 3 to 26 as office bearers of Allampatti Devangar Mahajana Sabhai is null and void and for a consequential permanent injunction restraining the respondents 3 to 26/defendants 3 to 26 from in any way interfering with the functioning of the respondents 1 and 2/defendants 1 and 2 as the existing office bearers. Pending suit, the revision petitioners filed the present interlocutory application to implead the proposed respondents 28 to 36 in the suit and the said application came to be dismissed by impugned order dated 08.08.2017. Hence, the revision petitioners/plaintiffs have filed this revision challenging the



3. Though several grounds have been raised by the revision petitioners, perusal of record shows that the suit itself has been filed in 2012 for a declaration that election of respondents 3 to 26 as office bearers of Allampatti Devangar Mahajana Sabhai is null and void and for a permanent injunction. During the pendency of the said suit, the revision petitioners filed the present interlocutory application stating that respondents 28 to 36 were elected as office bearers in the election for Allampatti Devangar Mahajana Sabhai in the year 2015 and therefore, they ought to have been impleaded. However, the Court below dismissed the application holding that the revision petitioners did not produce any evidence with regard to the election of respondents 28 to 36 as office bearers of Allampatti Devangar Mahajana Sabhai. Further, the term of office bearers of Allampatti Devangar Mahajana Sabhai is three years and the term of office of the respondents 3 to 26 would be from 2012 to 2015 and therefore, the suit itself has become infructuous and hence, impleadment of the elected office bearers/proposed respondents 28 to 36 of Allampatti Devangar Mahajana Sabhai in 2015, is not necessary and it will change the character of the suit. While dismissing the impleading application, the Court below relied on the following decisions:-

i) If impleadment of parties is not germane to the proceedings and is likely to change the complexion of litigation and raise such controversies as are beyond the scope of the litigation, then they are neither necessary nor proper parties. (AIR 2002 SC 1061).

ii) A person is a proper party if his presence enables the Court to adjudicate upon the question raised in a suit more effectively and completely (AIR 1941 F.C16)

iii) For determining the question who is a necessary party there are two tests: (1) There must be a right to some relief against such party in respect of the matter involved in the proceedings in question and (ii) it should not be possible to pass an effective decree in the absence of such party. An eventual interest of a party in the fruits of litigation cannot be held to be the true test of impleading a party (Benares Bank vs. Bhagwan AIR 1947 AP 18 (FB) Deputy Commissioner vs. Ramakrishnan AIR 1953 SC 521).

iv) As regards necessary parties, it has been held that persons who ought to have been joined as parties are called necessary parties, that is persons in whose absence the Court will not be able to give an effective decree at all (Chandra Bhan v. Misrimal AIR 1955 Raj) ''

4. In my considered opinion, the petitioners have not made out a case to implead the proposed respondents 28 to 36 in terms of the above judgments and therefore, the Court below is right in



dismissing the impleading application, which does not warrant any interference from this Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar(CS-I)

To

The District Munsif,
Virudhunagar.

BALA

BU/PM/SAR-I :10.10.2018 : 4P/2C

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14.09.2018