



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.890 of 2017 (PD)
and
CMP(MD)No.3921 of 2017

Palaniyandi ... Petitioner/Petitioner/Plaintiff

Vs.

1.Marimuthu ...Respondent/Respondent/Defendant

2.Kayavarnam

3.Mookkaiyan ... Respondents/Proposed respondents 2&3/
Proposed Defendants 2&3.

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the learned District Munsif, Pudukkottai made in I.A No.775 of 2016 in OS No.93 of 2016 and set aside the Fair and Decreetal Order dated 02.01.2017.

For Petitioner : Mr.D.Rameshkumar

ORDER

The plaintiff in OS No.93 of 2016 on the file of the District Munsif, Pudukkottai is the revision petitioner herein. It is a suit for permanent injunction. The case of the plaintiff is that one Marimuthu has been seeking to interfere with the plaintiff's peaceful possession and enjoyment of the suit property. The said Marimuthu filed a memo pointing out that he is not committing any encroachment on the plaintiff's property but that one Mookkaiyan and Kayavarnam are the persons who are actually committing the encroachment. Therefore, in view of the filing of the said memo, the present I.A 775 of 2016 came to be filed by the petitioner/plaintiff. The said I.A was dismissed by the court below by order dated 02.01.2017. The correctness of the said order is challenged in this Civil Revision Petition.

2.Heard the learned counsel appearing for the revision petitioner.

3.The learned counsel for the revision petitioner reiterated the grounds set out in the memorandum. This Court is unable to agree with the contention of the learned counsel for the petitioner.



As rightly pointed out by the court below, the plaintiff has sought the relief only against the said Marimuthu/defendant. Therefore, the presence of the proposed parties is absolutely unnecessary for the disposal of the suit proceedings. Even, in the affidavit filed in support of I.A No.775 of 2016, the plaintiff has not made any accusation or allegation against the proposed parties.

4. Therefore, the court below was justified in dismissing the said I.A No.775 of 2016. No case has been made out for interfering with the order passed by the court below. There is no merit in this Civil Revision Petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Munsif,
Pudukkottai.

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ES/RP/SAR 3/19.09.2018/2P/2C