



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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C.R.P. (PD) (MD).No.1355 of 2018andC.M.P. (MD) No.5859 of 2018

The Muthukaruppa Konar Trust
represented by its Trustee
T.Krishna Ammal
No.13, Keelapudur Road,
Eda Street, Palkarai,
Tiruchirapalli-620 001.

... Petitioner/Petitioner/
3rd Party/3rd Party

Vs.

1.S.Jagadeesan

... 1st Respondent/1st Respondent/
Petitioner/Plaintiff

2.Anbarasu

3.Karunanithi

4.Senthilvel

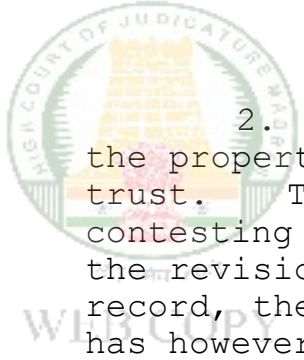
... Respondents 2 to 4/Respondents 2 to 4/
Respondents/Defendants 2 to 4

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records in I.A.No.333 of 2018 in I.A.No.310 of 2018 in O.S.No.480 of 2018 dated 18.06.2018 on the file of the Hon'ble District Munsiff, Tiruchirappalli and set aside the same by allowing this Civil Revision Petition.

For petitioner	: Mr.Cibi Chakraborty for M/s. Isaac Chambers
For R1	: Mr.S.Sadeskumar for R.Govindaraj
For R3 and R4	: Mr.S.Sajibino

O R D E R

The first respondent filed O.S.No.480 of 2018, on the file of the District Munsif Court, Trichirappalli, seeking the relief of Permanent Injunction, against the respondents 2 to 4 herein. In the said plaint, the first respondent has described one Arjunan as the owner of the property in question. In the said suit, the revision petitioner herein wanted to implead itself. Therefore, the petitioner filed I.A.No.333 of 2018. The said I.A. was dismissed by order dated 18.06.2018. The same is assailed in this Civil Revision



2. The counsel for the revision petitioner pointed out that the property in question actually belongs to the revision petitioner trust. The present trustee is one Krishnammal. Two of the contesting defendants are none other than her own children. Since, the revision petitioner wants to bring all the relevant materials on record, the revision petitioner filed the said I.A. The trial Court has however, dismissed the same.

3. I am of the view that the trial Court was justified in dismissing the I.A. filed by the revision petitioner herein. As rightly contented by the learned counsel appearing for the plaintiff, the plaintiff is not claiming any relief against the revision petitioner. The plaintiff being the dominus litus, is entitled to implead only those persons against whom he seeks relief. The learned counsel for the plaintiff place reliance on a decision reported in 2013 (4) CTC 466 (G.Mani Vs. Jejigan @ Ariappan and others).

4. I am of the view that the said decision is squarely applicable to the facts and circumstances of this case. The revision petitioner is not a party to the suit proceedings instituted by the first respondent in O.S.No.480 of 2018. Therefore, the outcome of the said suit proceedings cannot have any bearing on the legal right of the revision petitioner trust. Any decree that may be passed in the suit proceedings will not be binding on the revision petitioner. Whatever right, which the revision petitioner claims in respect of the property in question, can be ventilated by the revision petitioner in an independent suit. There is no need to implead the revision petitioner in the suit filed by the first respondent herein.

5. Section 96 of the Civil Procedure Code enables any aggrieved individual to challenge the decree if it prejudicially affects his or her right. Therefore, assuming that the decree that may be ultimately passed in the suit adversely affects the rights of the revision petitioner herein, the revision petitioner would definitely be entitled to challenge the same.

6. With this observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

<https://hcservices.ecourts.gov.in/hcservices/>
I.District Munsif Court,
Trichirappallai.



2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

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+1cc to M/S.Isaac Chambers, Advocate SR.No. 77699
+1cc to M/S.R.Govindaraj, Advocate SR.No. 77756

ORDER MADE IN
C.R.P. (PD) (MD) .No.1355 of 2018
and
C.M.P. (MD)No.5859 of 2018

pnn
JM/KAK/SAR 2/06.09.2018/3P/6C