



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (NPD) (MD) No.1414 of 2018

and

C.M.P. (MD) .No.6091 of 2018

1.E.V.Suprabha Devi
2.D.Savithri Amma
3.K.P.Kannan

...Petitioners/Petitioners

Vs.

1.P.Jayachandran
2.C.S.Vishnu
3.S.Rahul
4.R.Pranav
5.Nalloor Vettuvanni Kandan Sastha Devaswom Trust,
Rep by its President,
Nallor Village, Vilavancode Taluk,
Kanyakumari District.

6.Nalloor Vettuvanni Kandan Sastha Devaswom Trust,
Rep by its Secretary,
Nalloor Village, Vilavancode Taluk,
Kanyakumari District.

7.Madhusoodhanan Nair ...Respondents/Respondents

Prayer: Civil Revision Petition is filed under Article 115 of the Code of the Civil Procedure, against the fair and decreetal order dated 04.04.2018 made in I.A.No.33 of 2018 on the file of the Principal District Munsif, Kuzhithurai in O.S.No.9 of 2015.

For Petitioner : Mr.K.Sreekumaran Nair

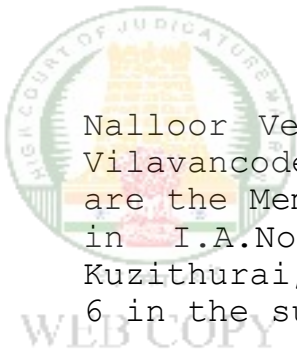
O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 04.04.2018 passed in I.A.No.33 of 2018 in O.S.No.9 of 2015 by the Principal District Munsif, Kuzhithurai.

2.Heard Mr.K.Sreekumaran Nair, learned counsel for the petitioner and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The first petitioner is the Treasurer of the Trust viz.,



Nalloor Vettuvanni Kandan Sastha Devaswom Trust, Nalloor Village, Vilavancode Taluk, Kanyakumari District and the other petitioners are the Members of the said Trust and they have filed an application in I.A.No.33 of 2018 before the Principal District Munsif, Kuzithurai, for impleading themselves as additional defendants 4 to 6 in the suit.

4.The learned counsel for the petitioner submitted that already the Court invited the general public by way of Order 1 Rule 10 and Section 151 CPC to seek anybody to implead themselves as a party to the suit proceedings. Therefore, in their capacity, the petitioners want to implead themselves as a party to the proceedings.

5.The said application was dismissed by the learned Principal District Munsif, Kuzhithurai, on the ground that the President and the Secretary had already been party to the suit proceedings. Therefore, the petitioners are not necessary party to the suit proceedings. But, now the learned counsel for the petitioners represented before this Court that they may be impleaded as individual capacity and hence, a specific direction may be given to the Court below to pass a suitable orders.

6.Admittedly, the first petitioner is the Treasurer and the other petitioners are the Members of the said Trust and they are not necessary party to the suit proceedings, since the Trust was represented by its President and the Secretary. But the representation made by the learned counsel for the petitioners that the petitioners may be permitted to represent themselves as individual capacity as per Order 1 Rule 10 CPC. Therefore, this Court is inclined to pass the following orders:

This Civil Revision Petition is allowed by setting aside the order dated 04.04.2018 passed by the learned Principal District Munsif, Kuzhithurai, in I.A.No.33 of 2018 in O.S.No.9 of 2015 and directs the petitioners to file fresh application for impleading themselves as individual capacity within a period of two weeks from the date of receipt of a copy of this order and on filing such application, the Principal District Munsif, Kuzhithurai is directed to entertain the said application and pass appropriate orders, after giving notice to both parties, within a period of four weeks thereafter.

No costs. Consequently, the connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/



To

1. The Principal District Munsif,
Kuzhithurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1CC to Mr.K.Sreekumaran Nair Advocate in SR.No.72308.

NS

DS/PN/SAR-4 :23.07.2018: 3P/5C

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