



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.1081 of 2016
and
C.M.P.(MD)No.5385 of 2016

M.Rasul Beevi ... Petitioner/1stRespondent/Plaintiff
/Vs./

1.K.Nainamohammed ... 1st Respondent/ Petitioner / Proposed
3rd Defendant
2.K.Nagoor Kani
3.N.Sheik Mohammed ... Respondents 2 &3 /Respondents 2 &3/
Defendants 1&2

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.02.2016 made in I.A.No.182 of 2015 in O.S.No.36 of 2015 on the learned Additional District Munsif cum Judicial Magistrate, Manamadurai, by allowing this civil revision petition.

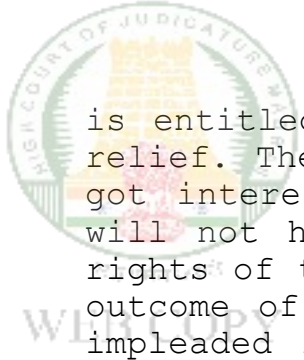
For Petitioner : Mr.P.Paranthaman
For R-1 : Mr.R.Murugan
For R-2 & R-3 : No appearance

ORDER

The plaintiff in O.S.No.36 of 2015 on the file of the Additional District Munsif Court, Manamadurai, is the revision petitioner herein. The revision petitioner filed the said suit for directing the original defendants to vacate and hand over the possession to her. In the said suit, one Nainamohammed, who is the brother of the first defendant, wanted to implead himself. He filed I.A.No.182 of 2015 for impleading himself as a party. The Court below, by an order dated 22.02.2016 allowed the said Interlocutory Application. Questioning the same, the civil revision petition filed.

2. Heard the learned counsel on either side.

3. As rightly pointed out by the learned counsel appearing for the revision petitioner, the revision petitioner claims relief only against Nagoor Kani and Sheik Mohammed. She has no claim whatsoever against Nainamohammed. The revision petitioner being dominus litus,



is entitled to choose the person against whom he or she seeks the relief. The first respondent herein has not shown as to how he has got interest in the suit property. Any decree passed in the suit will not have any binding effect on Nainamohammed. Therefore, the rights of the first respondent cannot in any way be impaired by the outcome of the suit proceedings. Therefore, he has no need to get impleaded in the suit. Hence, the impugned order dated 22.02.2016 made in I.A.No.182 of 2015 in O.S.No.36 of 2015 on the learned Additional District Munsif cum Judicial Magistrate, Manamadurai is set aside. Accordingly, the civil revision petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Additional District Munsif cum Judicial Magistrate,
Manamadurai.

COPY TO

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. 2 COPIES

- 1 CC TO Mr.P.Paranthaman, ADVOCATE IN SR No. 81799.

SM

DS RSK SAR2 13 11 2018 2P 5C

Order made in
C.R.P. (MD) (PD) No.1081 of 2016
30.08.2018