



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.08.2018
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (MD) .Nos.1342 & 1343 of 2016
and
C.M.P (MD) No.6424 of 2016

Pichaimuthu (Urakkadai),
S/o.Kuppanna Gounder,
Proprietor,
M/s.Lakshmi Fertilizers,
Shop No.5, Municipal Commercial Complex,
Hospital Road, Karur Town,
Karur District. ... Petitioner/Petitioner/
Plaintiff in both petitions

Vs.

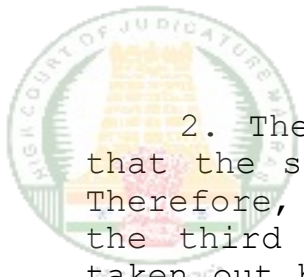
1. The Karur Municipal Council,
Represented by its Chairman,
Karur Municipal Office,
Asath Road, Karur,
Karur District.
2. The Executive Officer of the Karur Municipality,
Represented through its Commissioner,
Karur Municipal Office,
Asath Road, Karur,
Karur District. ... Respondents 1 & 2/Respondents 1 & 2
Defendants
2. Sathasivam ... 3rd Respondent/Proposed 3rd Respondent/
3rd Party/Proposed 3rd Defendant
in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 11.07.2014 passed in I.A.Nos.801 and (802 of 2012 in I.A.No.674/2012) in O.S.No.389 of 2012 on the file of the learned Principal District Munsif, Karur, by allowing this Civil Revision petition.

(in both C.R.Ps.)
For Petitioner : Mr.M.P.Senthil

C O M M O N O R D E R

The Revision petitioner filed O.S.No.389 of 2012 before the Principal District Munsif Court, Karur, seeking relief of permanent injunction that he should not be dispossessed except by due process



2. The local authority filed a written statement pointing out that the suit suffers from vice of non-joinder of necessary party. Therefore, the Revision petitioner filed applications for impleading the third respondent Sathasivam. The impleading applications were taken out by them in I.A.Nos.801 and 802 of 2012 seeking to implead in the petition for injunction and also in the main suit. Both the applications were dismissed by orders dated 11.07.2014. The same are assailed in these Civil Revision petitions.

3. Heard the learned counsel appearing for the petitioner.

4. This Court is of the view that the Court below was justified in dismissing the I.As. The suit was filed seeking relief against the local authority that the local body should not dispossess him except by due process of law. This contest is only between the plaintiff and the local Municipality. Claiming any relief against the proposed defendant would clearly be outside the scope of the suit proceedings. His presence is definitely not necessary for adjudicating the issue raised in O.S.No.389 of 2012. In this view of the matter, this Court finds no reason to interfere with the orders impugned in the Civil Revision petitions.

5. The Civil Revision petitions stand dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Munsif, Karur,
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr.M.P.SENTHIL, Advocate, SR.No.78112

C.R.P.(MD).Nos.1342 & 1343 of 2016
and
C.M.P(MD)No.6424 of 2016
09.08.2018

PMU
KK/SV/SAR-4/24.10.2018/2P-5C