



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) Nos.1365 & 1366 of 2016 (PD)
and
CMP(MD) No.6556 of 2016

Muthulakshmi ... Petitioner/Respondent/Plaintiff in both cases

Vs.

1.Thangaiah

2.Veeraiah

3.Arunachalam

4.Karuppaiah

5.Muthusamy

6.Ramasamy

7.Muthukaruppan

8.Velumani

... Respondents/
Proposed Defendants/Respondents

Common Prayer : These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 20.01.2016 in I.A No.683 of 2015 in I.A No.645 of 2015 and I.A No.707 of 2015 in O.S No.127 of 2015 on the file of the learned District Munsif Court, Aranthangi.

For Petitioner

in both cases

: Mr.K.Baalasundharam

For Respondents

in both cases

: Mr.M.Suresh for R1 to R8

COMMON ORDER

The plaintiff in O.S No.127 of 2015 on the file of the District Munsif Court, Aranthangi is the revision petitioner herein. It is a suit for declaration and injunction. Patta in respect of the suit property appears to have been standing in the name of the plaintiff. But then, proceedings have been going on before the revenue authorities. The contesting respondents herein filed I.As for getting themselves impleaded both in the injunction application



as well as in the main suit. Both the applications were allowed. Questioning the same, these two revision petitions have been filed.

2. Hear the learned counsel appearing on either side.

3. The learned counsel appearing for the revision petitioner submitted that the revision petitioner as the dominus litus is entitled to choose those persons of the defendants against whom she seeks relief. The presence of respondents is not necessary for the disposal of the issues raised in the suit. He therefore wanted this Court to set aside the order impugned in this civil revision petition.

4. I am unable to agree with the said submission of the learned counsel for the revision petitioner. As rightly pointed out by the learned counsel for the respondents, the suit property is situated in front of the local temple. According to them, it is contiguous to the temple and pertains to the temple. Therefore, in the very nature of things, the local villagers would have an interest in the subject matter. The court below had rightly allowed their applications. During the pendency of these revision petitions, the plaint has been amended and issues have already been framed. Therefore, this Court is of the view that the parties can be directed to contest the matter in the main suit proceedings itself. Therefore, the orders impugned in this civil revision petitions are sustained.

5. These civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-IV)

Skm

To

The District Munsif Court,
Aranthangi.

+1cc to Mr.M.Suresh, Advocate in SR No.81881

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