



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.10.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD)No.1717 of 2016
and
CMP(MD)No.8354 of 2016

1.Chidambara Rajarathinam

2.S.Santhi

3.S.Ramsankar

4.Minor Ramagopal

... Petitioners /
Petitioners /
Proposed 3rd parties

(the minor, 4th Petitioner rep.through
his mother and guardian, the 2nd petitioner
herein

Vs.

1.Pagavathiyappan

2.Iyappan

Selvarani (died)

3.R.Vallinayagam

4.M.Ramakrishnan

5.Krishnaveni @ Veni Ammal

6.Vallienselvan

7.Ganeshan

8.Minor Selvam

9.Minor Nambirajan

(Minors 8 and 9th respondents
are rep. Through the father and guardian
7th respondent herein)

...Respondents /
Respondents
Plaintiffs



10.Jesurathinarai

11.Mysore Viyasar Juyar Madam

Through its Madathipathi,
Mysore, Karnataka State.

...Respondents/
Defendants 1 and 2

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.06.2016 passed in I.A No.453 of 2015 in O.S No.424 of 2010 on the file of the First Additional District Munsif Court, Tirunelveli.

For Petitioners : Mr.V.Meenakshisundaram
For Respondents : Mr.V.Balaji for R10

No appearance for RR 1 to 7
Minors R8 & 9 rep.by R7

ORDER

O.S No.424 of 2010 on the file of the First Additional District Munsif Court, Tirunelveli was filed by the respondents 1 to 6 herein. It is a suit for declaration of easementary right of the plaintiffs over the suit property and for consequential injunction. In the said suit, after the defendants side evidence was over, the revision petitioners wanted to get themselves impleaded. The plaintiffs do not have any objection for allowing I.A No.453 of 2015 filed by the revision petitioners herein. But then, taking note of the belated nature of application, the court below dismissed the said I.A. Challenging the same, this civil revision petition has been filed.

2.This civil revision petition is opposed by the first defendant alone. The learned counsel appearing for the revision petitioners stated that all that the revision petitioners seek is that they should be allowed to file the pleadings in support of the plaintiff and that they would not seek leave to adduce evidence. They would only address the court in support of the plaintiffs and nothing more than that.

3.Since the issue relates to easementary right over the pathway, I am of the view that for avoiding multiplicity of litigation, the I.A in question deserves to be allowed. In this view of the matter, the order impugned in this civil revision petition is set aside. The revision petitioners shall file their written statement within a period of two weeks from the date of receipt of a copy of this order. The undertaking given by the revision petitioners that they would not adduce any evidence and that they would only address the court is recorded. The court below shall dispose of the suit itself within a period of three months from the date of receipt of a copy of this order on merits and in



accordance with law.

4. The civil revision petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-III)

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/True copy/

Sub Assistant Registrar (CS- II)

To

The First Additional District Munsif, Tirunelveli.

+1cc to Mr.D.NALLATHAMBI, Advocate, SR.No. 91322

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and

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SKM

KK/RP/SAR-2/28.11.2018/3P-3C