



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) Nos.1852 of 2016

and

C.M.P. (MD) No.8897 of 2016

T.S.Govindarajan

... Petitioner

Vs.

1.Somasundaram
2.Muthukannu @ Mutulakshmi
3.T.S.Rengarajan
4.T.S.Mariappan
5.Kokila
6.Rukmani Ammal

... Respondents

PRAYER: Petition filed under Article 227 of Constitution of India, to reverse and set aside the fair order and decreetal order in I.A.No.425 of 2015 in O.S.No.163 of 2008 dated 18.02.2016, on the file of III Additional District Judge, Tiruchirappalli.

For Petitioner : Mr.S.Ramesh

For R1 and R2 : Mr.K.K.Senthil

ORDER

O.S.No.163 of 2008 was filed by T.S.Rengarajan and three others before the III Additional District Judge, Tiruchirappalli, seeking the relief of partition. The present revision petitioner was shown as a sole defendant originally. He originally took the stand that the respondents 1 and 2 herein are necessary parties. Based on the stand taken by the revision petitioner, the plaintiffs took out an application for impleading the respondents 1 and 2 herein. In the said application, respondents 1 and 2 remained ex parte. The said application was dismissed. Revision against the said order was also dismissed. Thereafter, respondents 1 and 2 filed I.A.No.425 of 2015 for getting themselves impleaded. The same was allowed by order dated 18.02.2016. The order impleading respondents 1 and 2 in the suit, is challenged in this Civil Revision Petition.

2.Heard counsel for the revision petitioner who reiterated the grounds set out in the memorandum of grounds.

<https://hcservices.ecourts.gov.in/hcservices/> the view that when the revision petitioner himself had originally taken the stand that respondents 1 and 2 are necessary parties, it is not open to him to complain now that they



have been brought on record. The revision petitioner cannot be said aggrieved in any manner.

4. That apart, as rightly contended by the learned counsel for the respondents 1 and 2 that much water had flowed under the bridge. The respondents 1 and 2 filed their written statements, issues were also framed and the case is pending at the argument stage.

5. Hence, this Court does not interfere with the order of the Court below. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. III Additional District Judge,
Tiruchirappalli.

2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

• 1 CC TO Mr.V.Ragavachari, ADVOCATE IN SR No.83261.

Pnn

DS SV SAR-1 16.10.2018 2P/5C

ORDER MADE IN
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