



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD) No.2166 of 2016

Ponnusamy

.. Petitioner/ Petitioner/
Plaintiff

vs.

Panneerselvan (died)
1.Selvaraj

.. 1st Respondent/2nd Respondent/
Defendant

2.Rani

.. 2nd Proposed Respondent /
Proposed Party

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 19.08.2016 made in I.A.No.601 of 2015 in O.S.No.247 of 2003, on the file of the District Munsif Court, Thuraiyur.

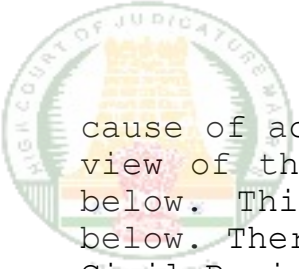
For Petitioner : Mr.J.Anandkumar
For Respondent No.1 : Mr.H.Lakshmi Shankar
For Respondent No.2 : Mr.N.Anandakumar

ORDER

The revision petitioner is the plaintiff in O.S.No.247 of 2003 on the file of the learned District Munsif, Thuraiyur. It is a suit for bare injunction. There were originally two defendants in the suit. One Panneer Selvam and Selvaraj were shown as defendants. The said Panneer Selvam has since passed away, the LRs are yet to be brought on record. During the pendency of the suit proceedings, the first defendant gifted the property in favour of his wife. Thereafter, the wife of the first defendant alienated the property in favour of the party proposed to be made as defendant in I.A.No.601 of 2015. The said IA was dismissed by order dated 19.08.2016. The correctness of the said order is questioned in this civil revision petition.

2. The learned counsel for the revision petitioner reiterated the grounds set out in the memorandum.

3. I am unable to agree with his submissions. As rightly pointed out by the Court below, the suit is of the year 2003 and the relief sought for is one for bare injunction. The plaintiff has to prove that the cause of action that arose in the year 2003. That the property changed hands during the pendency of the suit is not a ground for impleading the alienees. The Court below has observed that the proposed party is not necessary and even in his absence, the issue raised in the suit can be effectively adjudicated. Subsequent purchaser is not a necessary party in an injunction suit. There is no



cause of action whatsoever against the proposed defendant. In this view of the matter, the IA in question was dismissed by the Court below. This Court agrees with the reasons assigned by the Court below. There is no merit in the civil revision petition. Hence, this Civil Revision Petition stands dismissed. No Costs.

WEB COPY

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-III)

To
The District Munsif,
Thuraiyur.

+1cc to Mr.N.ANANDAKUMAR, Advocate, SR.No. 79514
+1cc to Mr.H.LAKSHMI SHANKAR, Advocate, SR.No.79024

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PJL
KK/SV/SAR-3/11.09.2018/2P-4C