



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

C.R.P. (PD) (MD) .No.2186 of 2016  
and  
C.M.P. (MD) No.10154 of 2016

Madasamy

... Petitioner

**Vs.**

1. Ramarajan  
2. The Sub Registrar,  
Abiramam Sub Registration Office,  
Abiramam,  
Kamuthi Taluk,  
Ramanathapuram District.

3. Karnan  
4. Pothumpen  
5. Chitra

... Respondents

**PRAYER:** Petition filed under Section 227 of Constitution of India, to set aside the order and decree passed dated 05.10.2016 made in I.A.No.478 of 2016 in O.S.no.77 of 2011 on the file of the District Munsif Court, Muthukulathoor, Ramanathapuram District.

For petitioner : Mr.G.Gomathi Sankar  
For R1 & R3 : Mr.K.Kumaravel  
For R2 : Mr.G.Muthukannan  
For R4 & R5 : No appearance

**ORDER**

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The plaintiff in O.S.No.77 of 2011 on the file of District Munsif Court, Mudukulathur is the revision petitioner herein. The said suit was filed for the relief of declaration and permanent injunction. During the pendency of the suit, an alienation was made in favour of one Karnan. He was impleaded as third defendant. Thereafter, further alienations have taken place. The revision petitioner wants to implead those alienees also as defendants in the suit. Therefore, he filed I.A.No.478 of 2016. The same was dismissed by order dated 05.10.2016. The correctness of the order is questioned in this Civil Revision petition.



2. Heard the learned counsel for the petitioner.

3. This Court is of the view that since, the revision petitioner himself wants a binding decree, he has chosen to implead the alienee also. The Court below ought to have allowed the said I.A.

4. In this view of the matter, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

**To:**

1. The District Munsif, Mudukulathur.

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

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 82849

PNN

TE/VB/PM/SAR-2 : 22/10/2018 : 2P/5C

ORDER MADE IN  
C.R.P. (PD) (MD) .No.2186 of 2016 and  
C.M.P. (MD) No.10154 of 2016  
06.09.2018