



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.2231 of 2016
and

C.M.P. (MD) No.10340 of 2016

1.E.Malaiyandi
2.E.Balusamy
3.E.Paramasivam
4.E.Dharmar
5.Pitchaiammal @ Petchiammal
6.S.Rajkumar : Petitioners/Petitioners/Defendants

Vs.

1.Nirmala @ Manjula : 1st Respondent/1st Respondent/Plaintiff
2.Vijayakumar Raja
3.M.S.Sethuramaraja : Respondents 2&3/Respondents 2&3/
Proposed Parties

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.07.2016 passed in I.A.No.410 of 2014 in O.S.No.57 of 2013 on the file of District Munsif Court, Theni, by allowing this Civil Revision Petition.

For petitioner : Mr.V.Meenakshi Sundaram for
Mr.D.Nallathambi
For R1 : Mr.S.Madhavan for
Mr.T.Srinivasa Raghavan
For R2 and R3 : Mr.M.Karthikeya Venkatachalapathy

ORDER

The defendants in O.S.No.57 of 2013 on the file of the learned District Munsif Court, Theni, are the revision petitioners herein. It is a suit for bare injunction. In the said suit, the revision petitioners filed I.A.No.410 of 2014 to implead the vendor of the plaintiffs and the father of the said vendor as proposed parties to establish their possession over the suit property. The Court below dismissed the I.A., by order dated 05.07.2016. The correctness of the said order is questioned in this Civil Revision Petition.

<https://hdservices.courts.gov.in/Revisions>

2.The learned counsel appearing for the revision



petitioners reiterated the contentions set out in the memorandum of grounds.

3. I am of the view that the Court below rightly came to the conclusion that the proposed parties need not be impleaded before the Court below to adjudicate the issues raised in the suit. This is after all a suit for bare injunction. Therefore, the proposed parties need not be made as co-defendants along with the revision petitioners herein. The revision petitioners can always examine them as witnesses.

4. With this observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

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

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 82901
+ 1 CC TO Mr.S.MADHAVAN, ADVOCATE IN SR No. 82999

PNN

TE/SKN/SAR-1 : 03/10/2018 : 2P/6C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2231 of 2016 and
C.M.P. (MD) No.10340 of 2016
06.09.2018