



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.1932 of 2018

and

C.M.P. (MD) No.8424 of 2018

1.Chitra
2.Kannan
3.Kala
4.Seetha
5.Muthuvel
6.Kavitha

... Petitioners/ Petitioners/3rd Party
Vs.

1.Pappa ... Respondent/ Respondent/Plaintiff
2.Rajeshwari ... Respondent/ Respondent/Defendant

PRAYER: Petition filed under Article 227 of the Constitution of India, to setting aside the order and decree dated 27.03.2018 passed in I.A.No.6 of 2018 in O.S.No.24 of 2012 on the file of District Munsif Cum Judicial Magistrate Court, Aundipatti, Theni District.

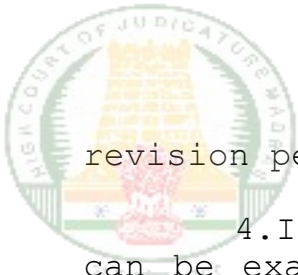
For petitioners : Mr.P.Sivachandran

ORDER

The mother of the revision petitioners one Pappa who is shown as the first respondent herein filed O.S.No.24 of 2012 on the file of the District Munsif cum Judicial Magistrate Court, Aandipatti, seeking the relief of declaration and recovery of possession and mandatory injunction. In the said suit, the revision petitioners herein filed I.A.No.6 of 2018 for getting themselves impleaded. The Court below by order dated 27.03.2018 dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.

2.The reasons assigned by the Court below for dismissing the petitioners' I.A., are sound and acceptable. The suit was filed way back in the year 2012, by none other than their own mother. The revision petitioners obviously had clear knowledge about the institution of the suit. After the trial commenced, they had chosen to file this application for getting themselves impleaded. As rightly, observed by the Court below, this would only prolong the litigation. Therefore, the order passed by the Court below, dismissing I.A.No.6 of 2018 filed by the revision petitioner, does not call for any interference.

3.This Court wanted to know the real purpose of filing such an application. The learned counsel for the revision petitioners submitted that the revision petitioners also do have a share in the property. This Court makes it clear that on the ground of non joinder of the



revision petitioners, the suit will not suffer any dismissal.

4.It is also made clear that one of the revision petitioners can be examined as a witness on the side of the plaintiff. This observation is made, since, the learned counsel submitted that the plaintiff due to old age is unable to recollect the facts in question. It is for this reason, to render substantial justice, such a direction is given to the Court below to permit one of the revision petitioners herein to be examined as a witness, on the side of the plaintiff. If necessary the plaintiff side will be reopened for this purpose.

5.With these observations and directions, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

The District Munsif Cum Judicial Magistrate,
Aundipatti,
Theni District.

• 1 CC TO Mr.P.Sivachandran, ADVOCATE IN SR No. 86545.

pnn

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ORDER MADE IN
C.R.P. (PD) (MD) .No.1932 of 2018
and
C.M.P. (MD) No.8424 of 2018
25.09.2018