

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.02.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(PD)Nos.868 and 869 of 2009
and M.P.No.1 of 2009

Marathamuthu ..

Petitioner
[in both CRPs]

versus

1.Arunachalam

2.The President,
Panchayat Board,
Kallanatham Village,
Attur Taluk,
Salem District.

3.The Block Development Officer,
Attur, Salem District.

4.The Sub Registrar,
Attur, Salem District.

..

Respondents
[in both CRPs]

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 29.09.2008 made in I.A.Nos.270 and 271 of 2008 in I.A.No.549 of 2006 in O.S.No.185 of 2006 respectively on the file of the learned District Munsif, Attur.

For Petitioners : Mr.T.Murugamanikkam
[in both CRPs]
For Respondent No.1 : Mr.P.Jagadeesan
[in both CRPs]
For Respondent No.2 : No Appearance
[in both CRPs]
For Respondent No.3 : M/s.R.Revathy
[in both CRPs]

COMMON ORDER

These Civil Revision Petitions have been filed by the third defendant as against the order of the learned District Munsif, Attur, in impleading the Sub-Registrar as one of the parties in the suit, as against whom the main relief is sought for, the proposed party impleaded in the suit has not been challenged in these revisions.

2. The suit has been originally laid for declaration and injunction as against the defendants 1 to 3 on the ground that the planning permission granted by the first defendant in respect of the properties, is not according to law. Prior to the settlement, the plaintiff took up an application to implead the Sub-Registrar, Attur and the trial Court has allowed such application, as against which, the present Revisions are came to be filed by the third defendant.

3. I have heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 1 and 3 and also perused the materials available on record.

4. At the outset, I am of the view that the persons sought to be impleaded has not challenged the order of the trial Court but only the third defendant has filed these revisions, challenging such impleadment. The plaintiff being the *dominus litis*, it is his choice to include anybody, against whom, the relief is sought for. Therefore, I am of the view that the third defendant cannot have any right in this matter and at the most, he can canvass his case based on his own defence but he cannot canvass the case of some other party, who impleaded by the trial court.

5. Accordingly, these Civil Revision Petitions are dismissed. The trial Court is directed to proceed the suit and dispose of the same, within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

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Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

sri

N.SATHISH KUMAR, J.,
sri

To

The District Munsif,
Attur.



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