

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2019

Coram

The Honourable Mrs. **Justice R.HEMALATHA**

C.R.P.(PD)No.651 of 2012

and

M.P.No.1 of 2012

Kaliyamoorthy

... Petitioner

Vs.

1.Sarangan

2.Kamaraj

3.J.Dilip Kumar

4.Mukesh Barola

... Respondents

This Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 24.02.2011 made in I.A.No.237 of 2010 in O.S.No.214 of 2007 on the file of the Principle District Munsif Court cum Judicial Magistrate Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.C.Venkatesan

For Respondents : No appearance

ORDER

The present civil revision petition has been filed against the orders dated 24.02.2011 passed in I.A.No.237 of 2010 in O.S.No.214 of 2007 by the Principle District Munsif cum Judicial Magistrate Court, Cheyyar, Thiruvannamalai District.

2.The civil revision petitioner is the plaintiff in O.S.No.214 of 2007 on the file of the District Munsif cum Judicial Magistrate Court, Cheyyar. He filed the suit against the respondents/defendants 1 and 2 for bare injunction restraining them from interfering with his peaceful possession and enjoyment of the suit property. The defendants filed their written statements. Their main contention is that the suit properties were sold even before the filing of the suit in favour of some third parties.

3.Subsequently, the plaintiff filed an application in I.A.No.237 of 2010 under Order I Rule 10 of the Civil Procedure Code praying to implead the purchasers as parties to the suit in O.S.No.214 of 2007. The respondents filed their counter. The learned District Munsif cum Judicial Magistrate, Cheyyar, after analysing the evidence on record, dismissed the application mainly on the ground that since the plaintiff had filed the suit for bare injunction restraining respondents/defendants 1 and 2 from interfering with his peaceful possession and enjoyment of the suit property, the purchasers are not proper and necessary parties in the suit. Aggrieved over the said orders passed by the learned District Munsif cum Judicial Magistrate, Cheyyar, the present civil revision petition is filed by the plaintiff.

4.Mr.C.Venkatesan, learned counsel appearing for the revision petitioner contended that the plaintiff came to know about the alienation made by the respondent 1 and 2 only after filing of the present suit in O.S.No.214 of 2007 and in order to have complete adjudication, the presence of the purchasers of the suit properties from the defendants are proper and necessary parties in the suit.

5. No appearance on behalf of the respondents.

6.The main allegations in the plaint in O.S.No.214 of 2007 is that the respondents 1 and 2 are attempting to alienate the property in favour of third parties and are attempting to trespass into the suit properties. The written statement filed by the respondents 1 and 2 clearly shows that the properties were alienated even before filing of the suit and therefore the purchasers cannot be said to be proper and necessary parties in the suit in O.S.No.214 of 2007. In fact, the learned District Munsif cum Judicial Magistrate, Cheyyar, had dealt with this aspect in extenso in his orders dated 24.02.2011 in I.A.No.237 of 2010 and I do not want to repeat the same here in the civil revision petition. Suffice it to say that the observations made by the learned District Munsif cum Judicial Magistrate, Cheyyar, is perfectly in order and I do not find any reason to interfere with the findings recorded by the

learned Principle District Munsif cum Judicial Magistrate, Cheyyar.

Therefore, the civil revision petition is liable to be dismissed.

7.In the result, the civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

17.07.2019

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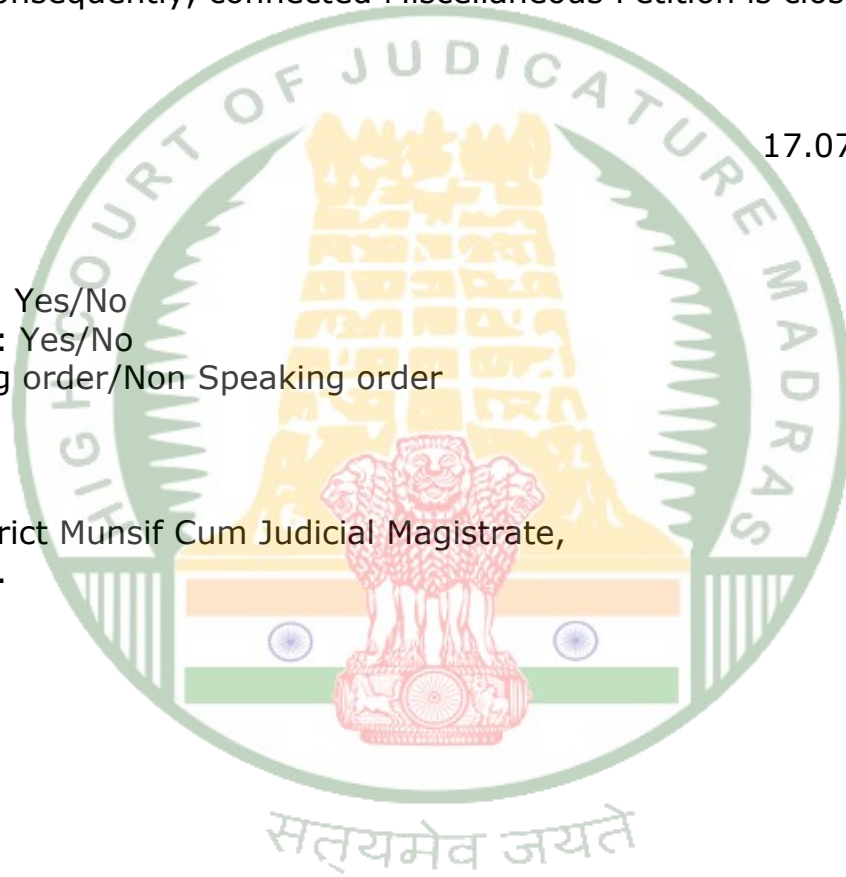
Index : Yes/No

Internet: Yes/No

Speaking order/Non Speaking order

To

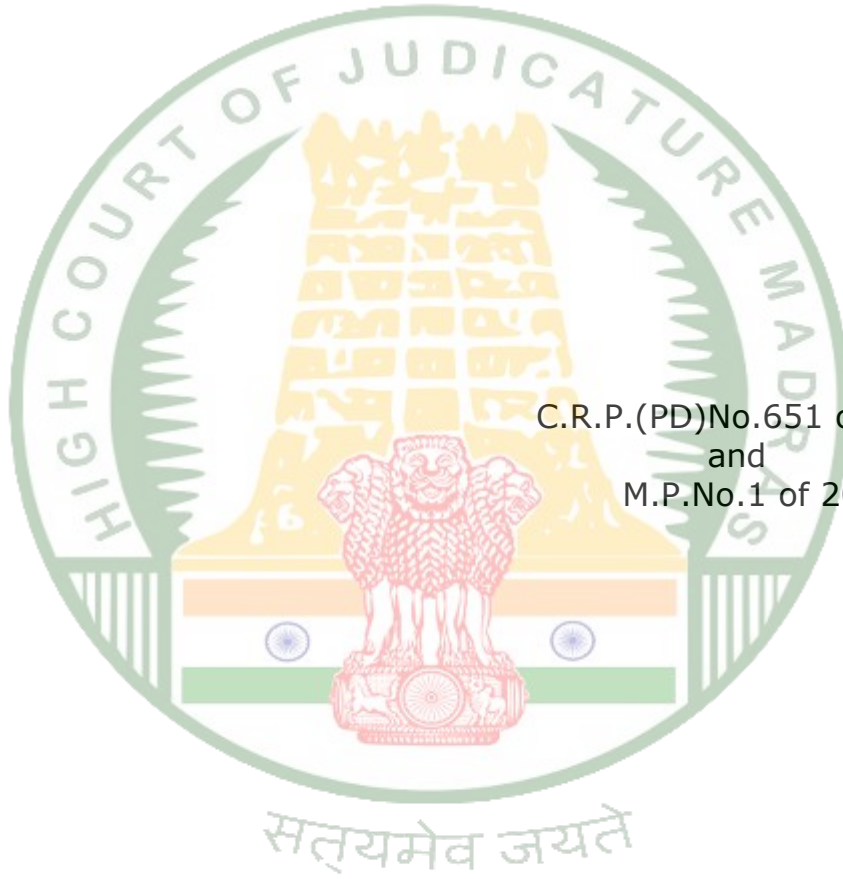
The District Munsif Cum Judicial Magistrate,
Cheyyar.



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R.HEMALATHA.J.,

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