

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD)No.4421 of 2013

Ramadoss .. Petitioner/Respondent1/Defendant1

vs.

Babi Ammal (died)

1.Vasanthi .. Respondent1/Petitioner 2/Plaintiff 2

2.Duraiaraj

3.Rajendran

4.Murugan @ Murugadoss

5.Shanthi

6.Rani

.. Respondents 2 to 6/proposed parties

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 06.06.2013 made in I.A.No.51 of 2012 in O.S.No.119 of 2006 on the file of the District Munsif, Thiruthuraipoondi.

For Petitioner : Mr. V. Raghupathi

For Respondents : Mr.S. Sathiamurthi

ORDER

This Revision Petition has been filed against the order impleading the proposed parties as Defendants 2 to 6 in the suit. The main contention of the Revision Petitioner before this Court is that the proposed parties are the Children of the First Plaintiff. They ought to have been impleaded only as the Plaintiffs and not as Defendants. Hence the order of the trial court allowing the application has to be set aside.

2. I have perused the entire materials. Original Suit has been filed by the First Plaintiff and Second Plaintiff on the strength of their alleged possession in the suit property. First Plaintiff died during the pendency of the suit and the proposed parties are brothers and sisters of the Second Plaintiff. Normally surviving legal heirs will be impleaded and arrayed as Plaintiffs. There is no dispute at all. But the very allegation indicates there is conflict of interest. The proposed parties already filed suit against the second plaintiff. So in order to avoid further complication, the Second Plaintiff made them as Defendants for proper adjudication.

3. This court is of the view that there is serious conflict of

interest and the legal heirs are not supporting the case of the plaintiff naturally they should be added as a defendant. There is nothing wrong in arraying them as defendants. It is the plaintiff to decide against whom the relief is required. When the legal heirs are acting against the interest of the original plaintiff certainly they will be arrayed as Defendants. Hence, this Court does not find any infirmity in the order of the trial Court. Accordingly, the Revision Petition is dismissed.

4. In the result, the Revision Petition is dismissed. Trial court is directed to dispose of the suit within six (6) months from the date of receipt of copy of this order.

ggs

To

1. District Munsif, Thiruthuraipoondi.

18.02.2019

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N.SATHISH KUMAR, J.

ggs



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