

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

CRP(PD) Nos.1740 and 1741 of 2019

M. Raja

.. Petitioner in both CRPs.

-VS-

1. A. Chinnasamy Aasari
 2. A.Selvaraj Aasari
 3. A.Manikannu Aasari
 4. R.Rani
- in

.. Respondents both CRPs

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order dated 05.12.2018 made in I.A.No.781 of 2018 and I.A.No.782 of 2018 in O.S.No.65 of 2016 on the file of District Munsif Court at Sankarapuram.

For Petitioner : M/s.G.V. Seetha Lekshmi

COMMON ORDER

These Revisions are directed against the dismissal of the impleading petitions filed by the plaintiff.

2. The petitioner herein is the plaintiff in the suit O.S.No.65 of 2016 filed for permanent injunction restraining the respondents/defendants from interfering with his peaceful enjoyment and possession of the suit property.

3. In that suit, for impleading the vendor of the suit property viz.,

Rani who sold the suit property to the defendant's father, based on the sale deed dated 26.4.1983 as a party to the suit, the petitioner filed I.A.No.781 of 2018 before the trial court .

4. Further, he filed I.A.No.782 of 2018 to implead the vendor's vendor of the suit property viz., Ramachandran, who sold the property to above said Rani, based on the sale deed dated 9.6.1982 as a party to the suit.

5. The trial Court dismissed both the petitions holding that the property was sold to the defendant's father on 26.4.1983 and there is no connection between the vendor and the defendants for the past 35 years and if the proposed party is added as necessary party, it would cause mental agony to him.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. The cause of action for the suit arose on 25.1.2016 when the defendants attempted to interfere with the possession of the plaintiff in the suit property. In that case, it is the duty of the petitioner/plaintiff to prove

his possession in the suit property. For proving plaintiff's possession in the suit property, the defendant's vendor need not be added as a party to the suit. Since the vendor of the defendants cannot even be treated as a proper party in a suit for injunction, the petitioners cannot claim them to be impleaded as necessary parties to the suit. Considering all the above aspects in a proper perspective, the trial Court has rightly dismissed the impleading petitions. Hence, I do not find any infirmity in the order passed by the trial Court. Therefore, the Civil Revision Petitions merit no consideration and accordingly, they are dismissed. No costs.

02.07.2019

Speaking Order/Non Speaking Order
Index : Yes/No
msr

To

The District Munsif Court at Sankarapuram.

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M. GOVINDARAJ.,J.

msr



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