

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.04.2019**

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No.1301 of 2019

and

CMP.No.8509 of 2019

M.Lakshmanan

..Petitioner/Plaintiff

Vs

1.Periammal

2.M.Mayilvel

3.M.Lakshmanan

4.M.Sitthesh

..Respondents 1-4/Defendants 4-7

5.Lakshmi

6.Ayyanar

7.Subramani

..Respondents 5-7/Defendants 1-3

This Civil Revision Petition filed under Article 227 of the Constitution of India to allow this revision petition and set aside the fair order and decretal order dated 20.11.2018 passed in I.A.No.216 of 2017 in O.S.No. 228 of 2016, on the file of the learned IV Additional district Munsif Court, Salem.

For Petitioner

: Mr.R.Neelakandan

**ORDER**

The above Civil Revision Petition is filed challenging the order passed by the learned IV Additional District Munsif, Salem, impleading the proposed parties as defendants four to seven in the

suit.

2 The proposed parties sought to implead themselves, since there was an early partition suit in O.S.No.534 of 2010, in which their rights been confirmed and the present suit O.S.No. 228 of 2016, was filed for an injunction restraining the defendants from interfering with the plaintiff's property being measured and for other reliefs. Though, the plaintiff had narrated the facts about the earlier suit, he has not taken steps to implead the proposed parties as respondents in the suit. The learned IV Additional District Munsif, Salem, has allowed the application stating that they are proper and necessary parties to the proceedings in question and challenging this order, the revision petitioner is before this Court.

3 Heard the counsel and perused the papers.

4 From a perusal of the papers, it is clear that the plaintiff has himself mentioned about the earlier suit for partition and he ought to have impleaded the proposed parties even at the time of the very institution of the suit. But, the plaintiff has failed to do so. The proposed parties, who have a preliminary decree in respect of the suit property are proper and necessary parties to the proceedings. This Court does not find any infirmity in the order

passed by the learned IV Additional district Munsif Court, Salem.

5 In the result, the Civil Revision Petition Stands dismissed and order passed in I.A.No. 216 of 2017 in O.S.No. 228 of 2016, on the file of the learned IV Additional District Munsif Court, Salem, dated 20.11.2018 is confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No  
Internet: Yes/No  
Speaking order / Non-speaking order

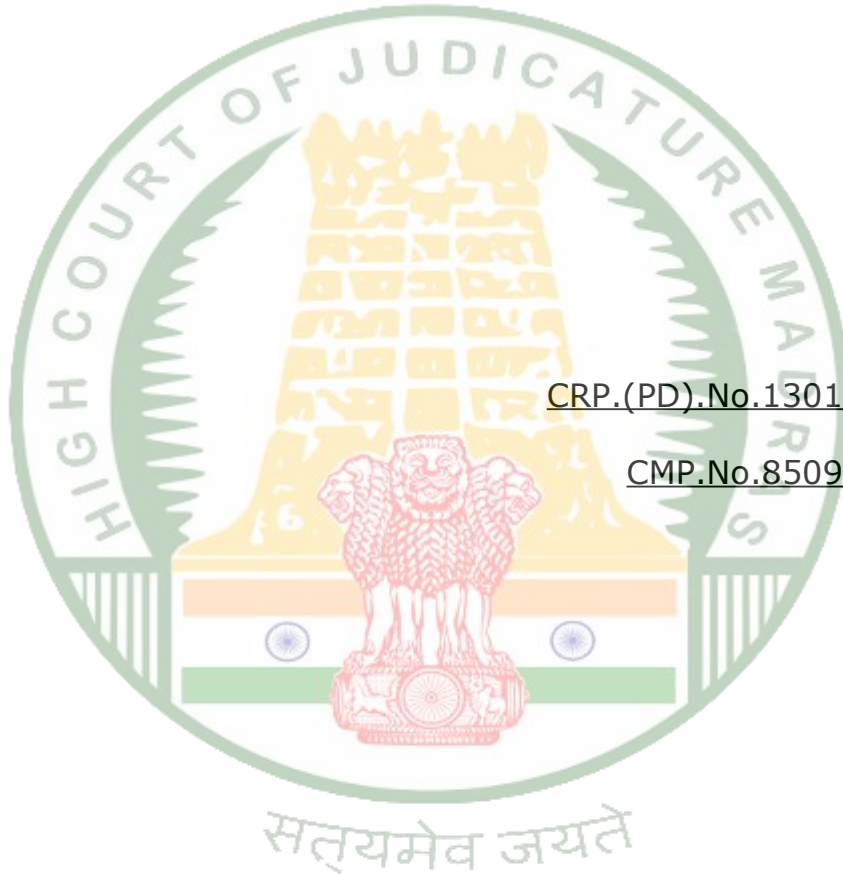
To

The IV Additional district Munsif Court,  
Salem.

04.04.2019

**P.T.ASHA, J.**

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