



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

**CORAM:**

WEB COPY

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

CRP PD(MD)No.1016 of 2012

Anthoniumammal ... Petitioner/Respondent/Plaintiff

Vs.

1.The Commissioner,  
Thanjavur Municipality,  
Thanjavur.

2.The District Collector,  
Thanjavur District  
Thanjavur. ...Respondents 2 and 3/Respondents/Defendants

3.M.Sundaramoorthy,

4.T.Murugesan

5.A.Ravichandran ... Respondents f3 to 5/Petitioners/3<sup>rd</sup> Party

**PRAYER:** This petition is filed under Article 227 of Civil Procedure Code, against the decree and order, dated 08.03.2012, passed in I.A.No.39 of 2012 in O.S.No.181 of 2010, on the file of the District Munsif Court, Thanjavur.

|                               |                       |
|-------------------------------|-----------------------|
| For Petitioner                | : Mr.T.M.Madasamy     |
| For Respondent-1              | : Mr.P.Srinivas       |
| For Respondent-2              | : Mr.R.Sethuraman     |
|                               | Addl.Govt.Pleader     |
| For Respondents<br>(R3 to R5) | : Mr.S.C.Herold Singh |

### **O R D E R**

This Civil Revision Petition has been filed against the fair and final order passed by the Court below, allowing an application filed under Order 1 Rule 10 of CPC., to implead respondents 3 to 5, as defendants in the suit. The petitioner is the plaintiff. The petitioner filed a suit against the Commissioner and the District Collector of Thanjavur, seeking for the relief of permanent injunction. The official respondents filed a written statement by taking a stand that the suit property is a public property, which is used as a scheme road by the inhabitants of Sundaram Pillai Nagar



and its extension.

2. During the pendency of the Suit, the proposed defendants filed an application to impelad themselves as defendants in the suit, on the ground that they are the residents of Sundaram Pillai Nagar and if the property allowed to be encroached by the petitioner, all the residents will be put to hardship and therefore, they are proper and necessary parties in the suit. This application was allowed by the Court below and aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

3. Heard the learned counsel for the petitioners and the learned counsel appearing for the respective respondents.

4. This Court does not find any infirmity or illegality in the order passed by the Court below. In the considered view of this Court, the proposed defendants are proper parties in the suit and their presence is very much required for the Court below to decide the issue regarding the nature of the property and a final decision in the suit will have a direct bearing in the right and interest of the residents of the Sundaram Pillai Nagar. There are absolutely no grounds to interfere with the order of the Court below.

5. In the result, the Civil Revision Petition is dismissed and the Court below is directed to complete the proceedings in O.S.No.181 of 2010, within a period of three months from the date of receipt of copy of this order. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

The District Munsif,  
Thanjavur.

+1 CC to M/s.P.SRINIVAS, Advocate ( SR-89791[F] dated 26/09/2019 )

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-90319[F] dated 30/09/2019 )

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**26.09.2019**

MPK

<https://hcservices.ecourts.gov.in/hcservices/> KK/SAP/18-10-2019/2P-4C/