



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2019

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CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) No.374 of 2019

and

C.M.P. (MD) No.1812 of 2019

A.Mohemad Nahib (died)

1.A.Mohemad Nainar

2.A.Mohemad Nasar

3.M.Safika Begum

... Petitioners

vs.

1.A.Mohemad Wasik

2.A.Jesima Barveen

3.Kamaludeen

4.District Registrar,
O/o. The District Registrar,
Velu Natchiyar Campus,
Dindigul District.

... Respondents

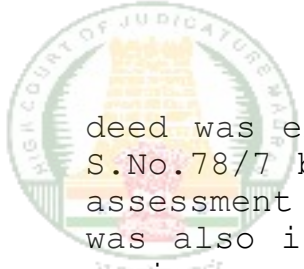
PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to set aside the order dated 10.12.2018 made in I.A.No.74 of 2017 in O.S.No.33 of 2010 on the file of the District Munsif cum Magistrate Court, Kodaikanal.

For Petitioners : Mr.T.Lajapathi Roy

ORDER

This Civil Revision Petition has been filed to set aside the order dated 10.12.2018 made in I.A.No.74 of 2017 in O.S.No.33 of 2010 on the file of the District Munsif cum Magistrate Court, Kodaikanal.

2.The petitioners herein are the defendants in the suit in O.S.No.33 of 2010. The petitioners in I.A.No.74 of 2017 contended that the property in S.No.78/7 was fraudulently given to the plaintiffs by way of sale deed dated 04.12.1997 and the said sale



deed was executed by one Kamaludeen, whereas, the said property in S.No.78/7 belonged to the plaintiffs for nearly 45 years by way of assessment dated 11.04.1973 to the defendants' father and the patta was also issued in favour of the defendants and thereby, they were paying revenues regularly to the Government. Further, it is contended by the petitioners that the plaintiffs have created the patta in their favour by fraud by using his power on 03.03.1988 and the proceedings were also held by the defendants before the Revenue Divisional Officer to cancel the said patta, which was created by the plaintiffs.

3.Further, it is contended by the petitioners that the said patta obtained by Kamaludeen was cancelled on 05.08.1988 and against that order, the said Kamaludeen has preferred an appeal before the District Revenue Officer and the same was also dismissed and the District Revenue Officer has also cancelled the patta issued in favour of the defendants/the petitioners herein. Now, the petitioners contended that by way of influence, the plaintiffs have purchased the said properties from Kamaludeen without any valid documents and the sale deed was registered in the name of plaintiffs. Hence, the petitioners sought for impleading the said Kamaludeen, who sold the property to the plaintiffs, wherein, the plaintiffs have no right. In view of the false case preferred by the plaintiffs, now the petitioners/defendants have sought for impleading the vendor of the plaintiffs.

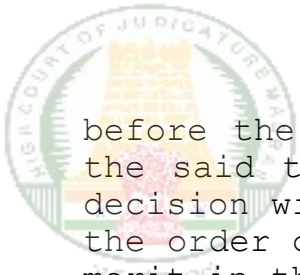
4.The plaintiffs have also filed their counter statement stating that they are in possession and enjoyment of the said suit property for number of years without any interference. Hence, the petition filed by the petitioners to implead one Kamaludeen and the District Registrar, Dindigul is not necessary.

5.The trial Court observed the contention raised by both parties regarding the right of the property, the proceeding that is pending with regard to the issuance of assessment order, the patta and the necessity to implead one Kamaludeen and the District Registrar, Dindigul. It is the contention raised by the defendants that the said property was sold by one Kamaludeen to the plaintiffs and the same was also registered in the plaintiffs' name. The right of Kamaludeen over the suit property is extinguished and he may not be a necessary party. Further, the said document was also registered and hence, the District Registrar, Dindigul need not be a necessary party for the issue between the plaintiffs and the defendants.

6.The dispute is over the suit properties and no purpose will be served by impleading the District Registrar, Dindigul, whose duty and responsibility is only to register the document if everything is applied in a proper manner and hence, the said two persons sought by the petitioners to implead as necessary parties is not a fair one.

<https://hcservices.ecourts.gov.in/hcservices/>

7.On perusal of the records and also the proceedings pending



before the trial Court, it is seen that the purpose for impleading the said two persons will not serve any purpose for arriving at a decision with regard to the relief sought by the plaintiffs. Hence, the order of the trial Court is very much reasonable and there is no merit in this Civil Revision Petition.

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8.This Civil Revision Petition and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

District Munsif cum Magistrate,
Kodaikanal.

CRP(MD) No.374 of 2019

28.02.2019

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