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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.03.2019

CORAM:

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

C.R.P. (PD) (MD) No.432 of 2019

and

C.M.P. (MD) No.2213 of 2019

1.Chinnathai
2.Thagathai
3.Petchiammal
4.Chellasamy

... Petitioners/Petitioners/Plaintiffs

Vs

1.Krishnasamy
2.Ariyavanammal
3.Vallyakaran
4.S.Sundarraaj
5.Thanagthai
6.Subbuthai
7.Maharajan
8.Eswari

...Ist Respondent/Ist Respondent/Defendant

... Respondent 2 to 8/Proposed Parties 2 to 8/
Proposed Parties 2 to 8

PRAYER: Petition filed under Article 227 of the Civil Revision Petition seeking to revise and set aside the fair and decreetal orders passed in I.A.No.140 of 2018 in O.S.No.287 of 2012 passed by the Additional District Munsif Court, Sankarankoil dated 22.10.2018.

For Petitioners : Mr.S.Ramesh @ Ramiah

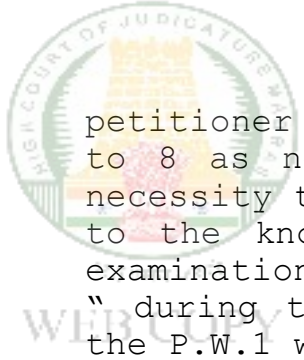
ORDER

This Civil Revision Petition has been preferred against the order passed in I.A.No.140 of 2018 in O.S.No.287 of 2012. I.A.No.140 of 2018 has been preferred by the petitioner's as plaintiffs in the suit for impleading the respondents 2 to 8 as necessary parties in the said suit.

2.The petitioner contended that the petitioners / plaintiffs along with one Vellapandian are the legal heirs of the deceased Thadichiyammal. The said Vellaipandian died in the year 2015 and hence his legal heirs 2 to 8 have to be added as necessary parties in the suit. The reason for impleading them stated by the petitioners is that the said fact was omitted by them at the time of preferring the suit. Hence, now the necessity arisen to implead the legal heirs of Vellaipandian as necessary parties in the suit. The respondents have not filed any counter statement.

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

3.The trial Court analysed the contentions raised by the



petitioner regarding the necessity to implead the proposed parties 2 to 8 as necessary party. The trial Court also observed that the necessity to implead this respondents 2 to 8 as necessary party came to the knowledge of the petitioners, only at the time of cross examination of P.W.1 by defence side and the same was questioned as "during the cross examination, some questions have been asked to the P.W.1 with regard to the non-joinder of R2 to R8".

4.The trial Court has also stated that already there is a direction by this Court to proceed with the case on day to day basis and the suit has to be disposed within four months from the date of receipt of a copy of the order and the said order was passed on 11.05.2018. The said petition was filed by the petitioner in the month of August, 2018, subsequent to the order of direction of this Court.

5.The petitioner contended that he filed the suit for the relief of declaration injunction and delivery of possession and subsequently by way of an amendment mandatory injunction also sought by the petitioner after preferring a C.R.P.(MD)No.271 of 2015. Now the petitioner contended that when these petitioners are entitled to the suit property by way of legal representative of Thadichiammal and the proposed party 2 to 8 are the legal representatives of one Vellaipandian who is none other than the brother of these petitioners, who is also entitled to the suit property.

6. The reasons contended by the petitioner herein is that the fact of adding the legal heirs of the deceased Vellaipandian was omitted at the earliest point and only during the cross examination of P.W.1 by the defence, it came to their knowledge that the legal heirs of Vellaipandian / the respondents 2 to 8 herein are necessary parties to the suit proceedings. But even during the argument, the petitioner has not stated anything about the necessity to implead them as legal heirs in the said suit.

7.On perusal of records it is observed that the suit is filed in the year 2012 and till the time of trial, there is no such attempt is made by the petitioners herein to bring the proposed parties / the legal heirs of deceased Vellaipandian who is none other than the brother of the petitioners. Already there was also a direction by this Court for speedy disposal within four months. So only subsequent to the order of this Court this petition has been filed by this petitioner and the reason is also not specified by the petitioner not more than they are the legal heirs of their deceased brother Vellaipandian.

8.Hence the reason for not impleading them at the earliest point of time, has not been explained by the petitioners and there is also no petition filed by the respondents 2 to 8 who are the legal heirs of Vellaipandian to implead them as necessary parties in the suit proceedings. Hence, the order of the trial Court does not require any interference and the same is confirmed.



9. Accordingly, this Civil Revision petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

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TO:
THE ADDITIONAL DISTRICT MUNSIF, SANKARANKOVIL.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1CC to Mr.S.RAMESH @ RAMIAH , Advocate SR.No. 52328.

C.R.P. (PD) (MD) No.432 of 2019

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