



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.07.2019
CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.R.P. (PD) (MD) No.1149 of 2019
and
C.M.P(MD) No.6316 of 2019

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Dindigul Vatta Desiya Panchalai
Tholilalar Sangam
Represented by its General Secretary
G.Seenivasan

... Petitioner/
1st Respondent/1st Defendant

Vs.

1.Soundararajan
2.Venkitusamy
3.R.Devaraj
4.R.Govindarajan
5.S.Vijayalakshmi
6.Anuratha
7.R.Santhi
8.Balachandran
9.Sankaranarayanan
10.Kailasam
11.Malar Mannan
12.Deva
13.Pitchai

... 1st Respondent/Petitioner/Plaintiff

... Respondents 2 to 13/Respondents 2 to 13/
Defendants

14.S.Renuga

... 14th Respondent/14th Respondent/
Proposed 2nd Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the impugned order passed in I.A.No.1 of 2019 in O.S.No.1187 of 2004 dated 01.03.2019 on the file of the Principal District Munsif, Dindigul.

For Petitioner : Mr.C.Sundaravadivel

ORDER

Aggrieved over the order passed in I.A.No.01 of 2019 in O.S.No.1187 of 2004 dated 01.03.2019 on the file of the learned Principal District Munsif, Dindigul, the revision petitioner, who is the first respondent in the said interlocutory application, is before this Court to set aside the order passed by the learned Principal District Munsif, Dindigul in the above referred case.

<https://hcsr.judges.org.in/Details>

2.Before the trial Court, the first respondent namely



Soundararajan herein filed a suit for the redemption of mortgage. As of now, pending the suit, the plaintiff executed the gift deed in favour of 14th respondent herein and hand over the property under dispute. Because of the said reason, he filed the above referred application before the learned Principal District Munsif, Dindigul, to implead the 14th respondent as the second plaintiff in the suit.

3. After elaborate enquiry, the learned Principal District Munsif in his order dated 01.03.2019 allowed the application filed by the first respondent and permitted to implead the 14th respondent as second appellant. Against the said order, the revision petitioner, who is the first defendant in the suit, filed this revision.

4. The learned counsel appearing for the revision petitioner would contend that already the suit filed against the first respondent herein in O.S.No.310 of 2004 on the file of Additional District Court, Dindigul, for the relief of specific performance, was allowed and against the said judgment, the first respondent preferred an appeal before this Court and the same was dismissed. Against which SLP is pending. Therefore, impleading the 14th respondent in the dispute, is unnecessary.

5. Now considering the submissions made by the learned counsel for the petitioner, it is admitted by himself that as of now the property under dispute is in the name of proposed 14th respondent. In this regard, he has not disputed the fact. In the said circumstances, even though he is not a necessary party, he is the proper party to dispose the suit. In fact, he is a necessary party for the reason that if the decree is passed in favour of the plaintiff, it is easy for executing the same after impleading the proposed party as a second plaintiff.

6. While at the time of disposing the application, the learned Principal District Munsif correctly held that because of the order passed as above, the respondents are no way prejudiced. The said conclusion arrived at by the learned Principal District Munsif is legally correct and in the said order, interference is not necessary. Accordingly, I am of the considered view that the civil revision petition is not having any merits and the same is liable to be dismissed.

7. For the reasons stated above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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To

The Principal District Munsif, Dindigul.

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