



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD) No.1583 of 2019
and CMP (MD) No.8367 of 2019

Santha Fire Works
Partnership Firm
Anupankulam Village
Sivakasi
Through its Partner
J.Kalidas

... Petitioner/Petitioner/
Plaintiff

versus

1. J.Manohar
2. A.N.Kamaraj
3. M.Vijayakumaran
4. M.Davidraj
5. The Sub Registrar
Sub Registrar Office,
Sivakasi

... Respondents/Defendants 1 to 4/
Proposed Defendant No.5/Respondents

Revision Petition filed under Article 227 of the Constitution of India against the order dated 25.06.2019 passed in I.A.No.21 of 2019 in O.S.No.6 of 2014 on the file of the Additional District Sessions Court, Srivilliputhur.

For Petitioner	:	Mr.Y.Prakash for M/s.N.Saravanan
For Respondent No.5	:	Mr.M.Murugan, Government Advocate

ORDER

This Civil Revision Petition has been filed challenging the order dated 25.06.2019 passed in I.A.No.21 of 2019 in O.S.No.6 of 2014 by the Additional District Sessions Court, Srivilliputhur.



2. The revision petitioner is the plaintiff in O.S.No.6 of 2014. The suit in O.S.No.6 of 2014 has been filed by the plaintiff before the learned Additional District Sessions Judge, Sivakasi, seeking the relief of declaration declaring that sale deeds vide Document Nos.11151/2010, 11152/2010, 6877/2011 are null and void and also for the relief of permanent injunction. Thereafter, the plaintiff/revision petitioner filed an application in I.A.No.21 of 2019, seeking to implead the Sub Registrar, Sivakasi, as 5th defendant in the said suit. But, the said application has been dismissed by the learned Additional District Sessions Judge, Sivakasi, holding that the Sub Registrar, Sivakasi, is not a necessary party to the suit, for deciding the issue as to whether the sale deeds executed in favour of defendants 3 and 4 are valid or not. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioner submits that in similar set of facts, the revision petitioner herein filed CRP(PD) (MD)Nos.1573 and 1575 of 2016 before this Court seeking to implead the Sub Registrar, Sivakasi as a party to the suit proceedings in O.S.No.214 of 2011, wherein, this Court, by setting aside the order passed by the Court below, permitted the revision petitioner to implead the Sub Registrar, Sivakasi as a party to the suit in O.S.No.214 of 2011. The learned counsel has also produced a copy of the order passed by this Court in CRP(PD) (MD)Nos.1573 and 1575 of 2016 dated 14.08.2018

4. In the decision of this Court rendered in CRP(PD) (MD) Nos.1573 and 1573 of 2016 dated 14.08.2018, which is relied upon by the learned counsel for the revision petitioner, it has been held as follows:

"2. This Court is of the view that in as much as the plaintiff had filed the applications before the commencement of the trial, the Court below could have adopted an indulgent approach. It is seen that there is no alternation in the character of the suit. In any event, the respondents would not be put to prejudice as they have the right to file additional written statements.

3. In this view of the matter, the impugned orders in the present Civil Revision Petitions are set aside and the Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

5. Following the same, this Court is inclined to allow this Civil Revision Petition, by setting aside the order dated 25.06.2019 passed in I.A.No.21 of 2019 in O.S.No.6 of 2014 on the file of the Additional District Sessions Court, Srivilliputhur.



6. Accordingly, the Civil Revision Petition is allowed and the order dated 25.06.2019 passed in I.A.No.21 of 2019 in O.S.No.6 of 2014 on the file of the Additional District Sessions Court, Srivilliputhur, is hereby set aside. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

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To

1 The Additional District Sessions Judge,
Srivilliputhur.

2 The Sub Registrar
Sub Registrar Office,
Sivakasi

+1 CC to M/s.N.SARAVANAN, Advocate (SR-87658[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-88372[F] dated 20/09/2019)

CRP (MD) No.1583 of 2019
19.09.2019

JM/15.10.2019/3P/5C