

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No. 2465 of 2018

and

C.M.P.No. 15131 of 2018

Damodaran ...Petitioner/1st Defendant

Vs.

1.Arul

2.Anandan

3.Venu

..Respondents 1 to 3/Proposed Plaintiff

4.Andal

..4th Respondent/Plaintiff

5.The Sub-Registrar,
Sub-Registrar Office,
Taluk Office Complex,
Tiruvallur.

..5th Respondent/2nd Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order of the learned District Munsif Court, Thiruvallur passed on 08.01.2018 by allowing the I.A.No.954 of 2016 in O.S.No.71 of 2012.

For Petitioner : Mrs.P.V.Rajeswari

For Respondents: Mr.M.P.Saravanan for R1 to R4

: Mr.T.M.Pappiah, Spl. Government

Pleader for R5

O R D E R

This civil revision petition is by the first defendant in O.S.No. 71 of 2012, challenging the order of the Trial Court made in I.A.No.954 of 2016, an application for impleading, filed by the sons of the plaintiff seeking to add themselves as plaintiffs 2 to 4 in the suit.

2. The suit is one for bare injunction. The suit was initiated by the father of the proposed parties. Even in the original plaint, he has disclosed that his sons are assisting

for cultivating the property and he has executed a settlement deed in favour of his sons. Pending suit, the sons filed the above application seeking to implead themselves in the suit.

3. This was resisted by the first defendant contending that there is no cause of action for the proposed parties and the proposed parties are neither necessary parties nor proper parties. The Trial Court, upon consideration of the application, rejected the defence and allowed the application for impleading. Aggrieved, the first defendant has come up with this civil revision petition.

4. I have heard Mrs.P.V.Rajeswari, learned counsel for the petitioner, Mr.M.P.Saravanan, learned counsel for the proposed parties as well as the original plaintiff namely, respondents 1 to 4 and Mr.T.M.Pappiah for the 5th respondent.

5. Mrs.P.V.Rajeswari, learned counsel for the petitioner would vehemently contend that by allowing the impleading application, the Trial court has opened up an avenue for the plaintiffs to expand the nature of the suit and they can introduce fresh plea in order to counter the pleadings that are raised by the defendant in his written statement. I do not find that there is any basis for the apprehension of the counsel. In the very affidavit filed in support of the application, the proposed parties namely, respondents 2 to 4 herein have very categorically claimed under a settlement deed executed by their father and claimed to be in possession along with their father.

6. I therefore, do not see any new claim that could be projected by the newly added parties. Even if such an attempt is made, it cannot be done without the knowledge of the petitioner herein and the petitioner will have the liberty to resist any such application. I therefore, do not see any irregularity or illegality in the order of the Trial Court in order to enable me to interfere with the order of the Trial Court under Article 227 of the Constitution of India. Therefore, this civil revision petition fails and it is accordingly dismissed. Consequently, connected miscellaneous petition is closed. No costs. It is made clear that any additional pleadings should be confined only to the relief sought for in the suit namely, permanent injunction.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

The learned District Munsif Court,
Thiruvallur.

+1 CC to Mr.P.V. Rajeswari, Advocate sr 32681.

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RSI (CO)
SP (04/11/2020)



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