

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 09.11.2020]

[ORDERS PRONOUNCED ON : 20.11.2020]

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP (PD).No.1976 of 2020

and

C.M.P.No.12274 of 2020

Pachanna Devachandran

... Petitioner

.. Vs ..

1. Pachanna Sadaiyachi Ammal

2. The State of Tamil Nadu,
Rep.by its District Collector,
Namakkal.

3. Tahsildar,
Kollimalai, Namakkal Taluk,
Namakkal District.

4. Koduka Nallammal

5. Pappaiyammal

... Respondents

PRAYER: Petition filed under Section 227 of Constitution of India, praying against the fair and decreetal order dated 09.03.2020 made in I.A.No.4 of 2019 in O.S.No.463 of 2013 on the file of Principal District Munsif Court at Namakkal (Presently O.S.No.527 of 2020 on the file of the District Munsif Court at Sendamangalam)

For Petitioner : Mr.T.L.Thirumalaisamy

ORDER

The impleading petitioner/third party is the revision petitioner herein.

2. The respondent herein filed in O.S.No.463 of 2013 before the Principal District Munsif at Namakkal. It is now transferred to newly Namakal District Munsif Court at Sendamangalam and re-numbered as O.S.No.527 of 2020.

3. The petitioner herein filed an application in I.A.No.4 of 2019 to implead himself as the 5th defendant in the suit on the ground that he has the adopted son of late Pachanna Duraisamy and further contended that the first wife and the second wife of the said Pachanna Duraisamy are arrayed as defendant in the suit and the very same plaintiff, he has filed an another suit against him in respect of the very same property and as the learned trial Judge was dismissed the application and hence the revision.

4. Heard the learned counsel for the petitioner and also perused the records.

5. The suit is filed for a bar injunction against the 3 private persons and the other two persons are the official respondents.

6. According to the petitioner, the first and second wife of Pachanna Duraisamy are added as parties and petitioner is an adopted son and hence, he seeks to implead himself as a party defendant No.5. In the trial the plaintiff as a respondent have marked as Exs.R1 and R2 dated 18.01.2007 and 16.10.2017 wherein the present petitioner was shown as son of Pachanna Vadamagounder Kumarar Pachanna Devachandran and based upon the said documentary evidence viz., Exhibits R1 and R2, the trial Court has held that the proposed party namely the revision petitioner is the son of the said Pachanna Vadamagounder Kumarar Pachanna Devachandran and accordingly, dismissed the application. Since no document was filed to substantiate the alleged legal status as adopted son of late Pachanna Duraisamy.

7. Admittedly, no documents has filed to show that the alleged contention and hence in view of the existence of Exhibits R1 and R2, I find that the order passed by the trial Court does not suffer from any

irregularity or illegality warranting interference by exercising this jurisdiction.

8. With these observations, this Civil Revision Petition is dismissed. It is made clear that the petitioner herein has given a liberty to agitate his right and plea that he is adopted son of said Late Pachanna Duraisamy in the manner known to law. No costs. Consequently, connected C.M.P is closed.

20.11.2020

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Speaking Order: Yes

Internet: Yes

To

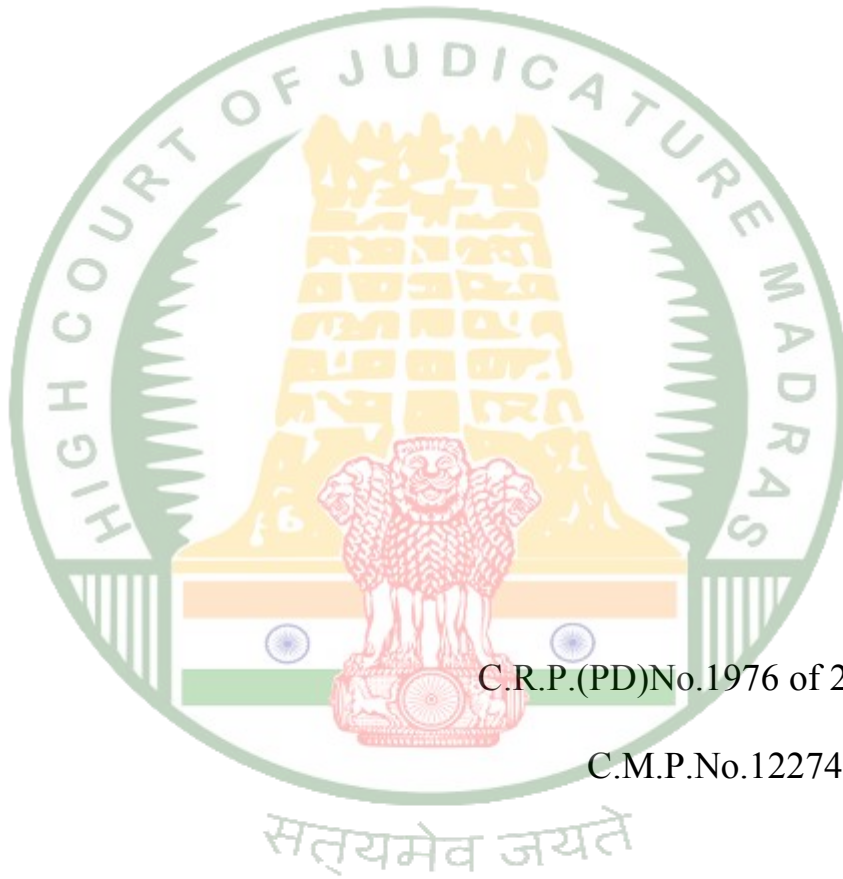
The Principal District Munsif Court at Namakkal

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RMT.TEEKAA RAMAN,J.,

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Order in

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