



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

WEB COPY

C.R.P(MD)Nos.214 and 215 of 2020 and
CMP(MD).Nos. 1286 and 1287 of 2020 in
C.R.P(MD)Nos.214 and 215 of 2020

1.R. Gurunathan
2.Punniyavathi
3.S.Sankarapandiyan
4.R.Shanmugapandi ... Petitioners / Petitioners/ defendants
in CRP(MD).No.214 of 2020

1.Subbuthai
2.Ariyanachiammal ... Petitioners /Petitioners/ defendants
in CRP(MD).No.215 of 2020
Vs.

1. S. Veilmuthu
2. L. Rajathi ... Respondents /Respondents/ plaintiffs
in both CRPs

PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India against the fair and decreetal order dated 25.10.2019 made in I.A.Nos. 352 and 350 of 2019 of 2019 in O.S.No.69 of 2016 on the file of the Sub Court, Kovilpatti.

For Petitioners : Mr. S.Ramesh in both CRPs

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decreetal order dismissing applications filed under Order 1 Rule 10(2) CPC to implead the third parties as the defendants in the suit.

2. Originally, the suit has been filed for declaration against the defendants and for consequential injunction. The third parties have filed applications under Order 1 Rule 10(2) CPC contending that they are also entitled to the suit property as per the oral partition entered between the predecessors in title. The above applications were opposed. The trial Court, found that



the parties have not produced any document to show their right over the property and hence, dismissed the applications, as against which the present Revisions Petition are filed.

3. The suit has been filed by the plaintiffs against the defendants seeking declaration and consequential injunction. But, according to the petitioners, both the plaintiffs and the defendants have no right over the suit property and it is their ancestral property. The petitioners have to establish their right independently. The trial Court has rightly found that no document is filed to show their right over the property. Such being the position, the petitioners cannot be contended that they have right to be impleaded in the suit. Even assuming that the petitioners have any right over the property, it is for them to establish the same by filing separate proceedings and not in the present suit.

4. I do not find any infirmity in the order passed by the Court below and accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

To

The Subordinate Judge, Kovilpatti.

+1 CC to Mr.V.RAGHAVACHARI, Advocate (SR-5635[F] dated 11/02/2020

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