

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.2917 of 2018

and

C.M.P.No.17092 of 2018

R.Raja

... Petitioner

Vs.

1. S.Manimegalai

2. M.Somasundaram

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and final order dated 27.04.2018 in I.A.No.35 of 2018 in O.S.No.19 of 2015 on the file of the District Munsif-cum-Judicial Magistrate Court, Valangaiman.

For Petitioner : M/s.P.T.Ramadevi

For Respondents : Mrs.R.Sripriya for
Mr.V.Raghavachari (for R-1)
: Notice Served (for R-2)

ORDER

This Civil Revision Petition is filed as against the fair and decretal order passed in I.A.No.35 of 2018 in O.S.No.19 of 2015 dated 27.04.2018 on the file of the learned District Munsif-cum-Judicial Magistrate Court, Valangaiman, thereby allowing the petition to implead the first respondent herein as the second defendant in the suit.

2. The petitioner is the plaintiff and the second respondent is the defendant. The petitioner filed a suit for permanent injunction in respect of the suit property. Admittedly, the suit property stands in the name of the first respondent and all the revenue records are mutated in her name. According to the plaintiff, the said property was leased out in favour of the second respondent herein and as such, without impleading the first respondent, the suit has been filed for permanent injunction. It is also revealed that already the first respondent filed a suit in respect of the very same property as against the petitioner herein in O.S.No.40 of 2010 on the file of the District Munsif Court, Valangaiman and the same was dismissed. Aggrieved by the same, the first respondent filed an Appeal Suit and it is pending. While being so, the petitioner again filed the present suit for the

very same property for permanent injunction as against her husband viz., the second respondent herein. Therefore, the first respondent is a necessary and proper party to the suit proceedings and it would avoid multiplicity of proceedings. As such, the Court below rightly allowed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

3. Accordingly, this Civil Revision Petition is dismissed. However, the suit is of the year 2015, the Trial Court is directed to dispose of the suit within a period of 9 months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.07.2021

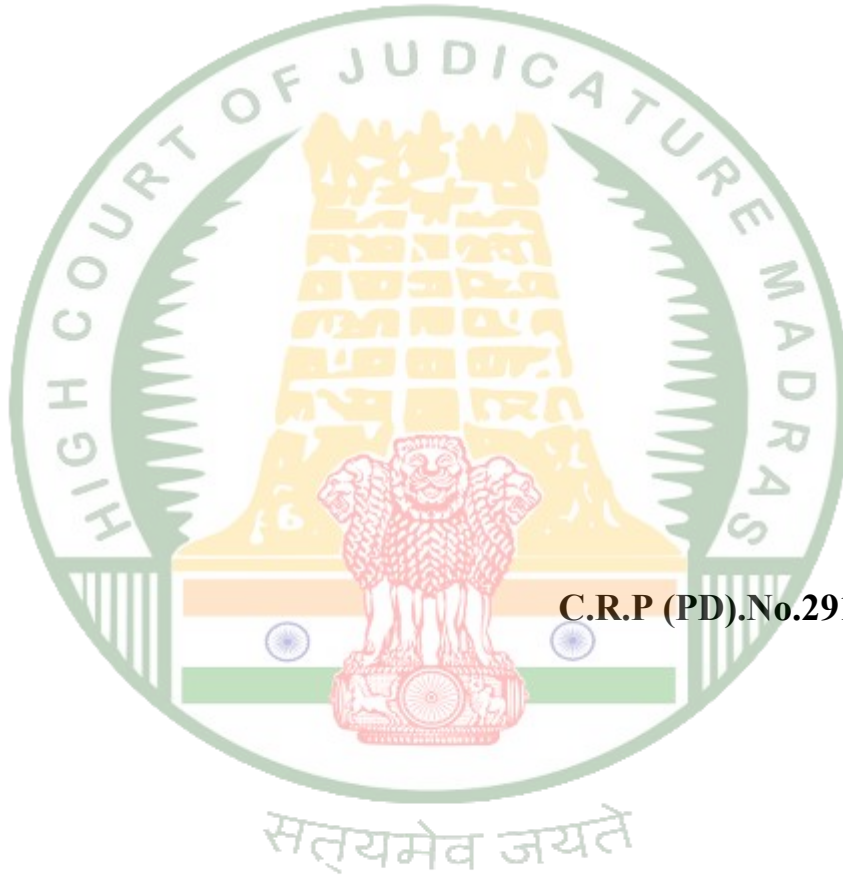
Speaking/Non-speaking order
Index : Yes/No
kv

To

1. The District Munsif-cum-Judicial Magistrate Court, Valangaiman.
2. The Section Officer, V.R. Section, High Court of Madras.

G.K.ILANTHIRAIYAN,J.

Kv



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