

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD)No.3671 of 2015  
and M.P.No.1 of 2015

Sundara Ramanujam .... Petitioner

Vs.

1. Prabhakaran  
2. Pugaz Vendan ... Respondents

**Prayer:-** Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 11.03.2015 made in I.A.No.410 of 2012 in O.S.No.110 of 2008 on the file of the Additional Sub Judge, Puducherry.

For Petitioner : Mr.K.Nirmal Kumar

For Respondents : Mr.R.Thiagarajan

**ORDER**

The Civil Revision Petition is directed as against the fair and decretal order dated 11.03.2015 passed by the learned Additional Sub Judge, Puducherry, in I.A.No.410 of 2012 in O.S.No.110 of 2008, thereby dismissing the petitions filed by the petitioner to implead the proposed

parties as defendants in the suit.

2. The petitioner is the plaintiff and he filed the suit in O.S.No.110 of 2008 as against the respondents for declaration and recovery of possession in respect of the suit property. The respondents filed written statement stating that the Tahsildar, Bahour Taluk, Pondicherry was not a party in the present suit as such, whatever the allegations mentioned by the petitioner in the plaint is nothing but abuse of process. It is further stated that without arraying the Tahsildar, Bahour Taluk, Pondicherry, the suit must fail in all counts and he is the right and apt person to answer to all the questions raised by the petitioner and therefore, the suit is liable to be dismissed for non-joinder of necessary parties.

3. In fact, the trial Court also framed issue in this regard. Therefore, the petitioner came forward with this petition to implead the Chief Secretary, Pondicherry, The Thasildar, Bahooour Commune Panchayat, Pondicherry and the Settlement Thasildar, Directorate of Survey and land records, Pondicherry as defendants to the suit proceedings. But the Court

below dismissed the said petition for the reason that whether the person is necessary or proper party, it must be shown by the person concerned that he has got a valid right or title to some relief against such property in respect of involving in proceedings.

4. On perusal of the written statement filed by the respondents herein, they took a specific stand that the queries raised by the petitioner have to be answered only by the Thasildar, Bahoor Taluk, Pondicherry. In fact, the trial Court also framed issue in the present suit in respect of nonjoinder of necessary party, since the respondents took a specific stand that the Thasildar and Settlement Thasildar are the necessary parties to the suit. Without considering the above facts, the trial Court dismissed the petition filed by the petitioner and it is perverse and liable to be set aside.

5. In view of the above discussion, order dated 11.03.2015 passed by the learned Additional Sub Judge, Puducherry, in I.A.No.410 of 2012 in O.S.No.110 of 2008 is hereby set aside in part. The trial Court is directed to implead the Thasildar, Bahoour Commune Panchayat, Pondicherry and the

Settlement Thasildar, Directorate of Survey and land records, Pondicherry as defendants in the main suit. In respect of impleadment of the Chief Secretary, Union of India, Pondicherry is concerned, this petition is dismissed. Since the suit is of the year 2008, the trial Court viz., the Additional Subordinate Judge, Pondicherry is directed to complete the trial proceedings within a period of nine months from the date of receipt of a copy of this Order.

6. With the above directions, the Civil Revision Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.02.2021

Internet : Yes

Index : Yes/No

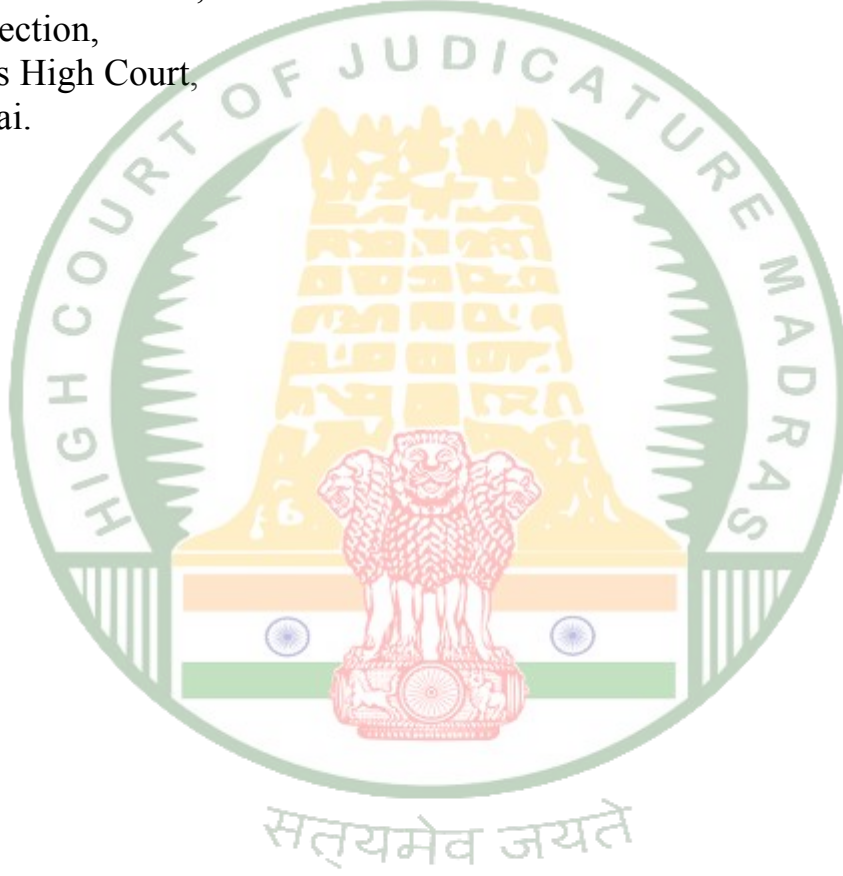
Speaking order/Non-speaking order

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To

1. The Additional Subordinate Judge,  
Pondicherry
2. The Section Officer,  
V.R. Section,  
Madras High Court,  
Chennai.

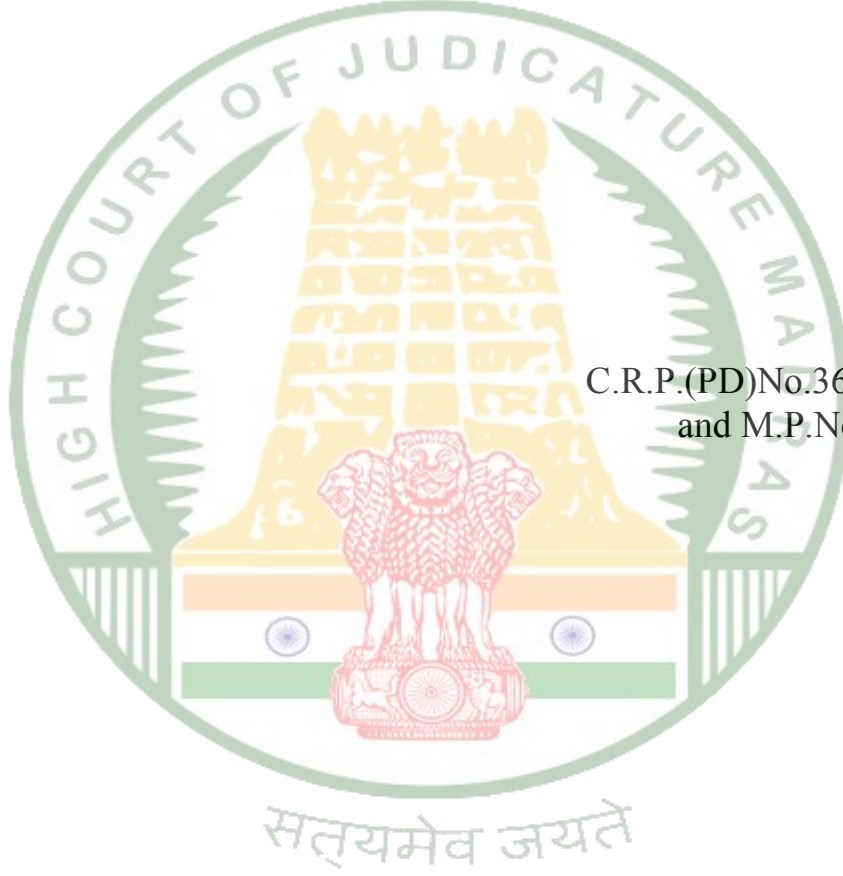


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*C.R.P.(PD)No.3671 of 2015*

**G.K.ILANTHIRAIYAN, J.**

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