



CRP.(PD).No.950/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.(PD).No.950/2019 and CMP.Nos.6881/2020 and 6218/2019

[Video Conferencing]

K.P.E.Ravindran

.. Petitioner

Vs.

1.N.Nallamuthu

2.M.Vasudevan

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order dated 11.10.2018 passed in I.A.No.10/2018 in O.S.No.380/2013 on the file of the Additional District Munsif, Tiruchengode,

For Petitioner	:	Mr.R.Marudhachalamurthy
For R1	:	Mr.N.Manokaran
For R2	:	No appearance

ORDER

- (1) This Civil Revision Petition is directed against the order dated 11.10.2018 passed in I.A.No,10/2018 in O.S.No.380/2013.
- (2) The revision petitioner is the defendant in the Suit in O.S.No.380/2013 on the file of the Additional District Munsif Court, Tiruchengode.



CRP.(PD).No.950/2019

(3) WEB COPY

The Suit in O.S.No.380/2013 is filed by the respondents herein for declaration of title and consequential permanent injunction restraining the revision petitioner/defendant herein from trespassing into any portion of the Suit property or causing any interference with the peaceful possession and enjoyment of the Suit property. The Suit is contested by the revision petitioner/defendant by filing a detailed written statement.

- (4) During the pendency of the Suit, the revision petitioner/defendant filed an application in I.A.No.10/2018 to implead around 13 persons as defendants in the Suit. In the affidavit filed in support of the revision petitioner/defendant, the revision petitioner/defendant stated that the Suit will be bad for non-joinder of necessary parties if they are not impleaded. It is stated by the revision petitioner/defendant that the proposed parties are his vendors. In other words, the petitioner wanted to implead all the persons who are parties to the Sale Deed under which the petitioner claims title to the property. His vendors derive title from two other persons on the basis of a Sale Deed executed by them. They are also shown as proposed parties.



CRP.(PD).No.950/2019

(5) WEB COPY

It is stated by the petitioner that in order to enable the Court for an effective and complete adjudication all the proposed parties are necessary. The said petition was contested by the respondents/plaintiffs on the ground that the plaintiff being 'Dominus lituss' cannot be dictated by defendants to implead any one at their instance. Since, the respondents/plaintiffs are not seeking any other relief as against the vendors of the petitioner, it was stated that the application filed by the revision petitioner was to protract the proceedings without any *bona fides*.

(6) The Trial Court accepted the contention of plaintiffs/respondents and dismissed the I.A.No.10/2018. Aggrieved by the same the above Civil Revision Petition is filed.

(7) Learned counsel appearing for the revision petitioner/defendant submitted that the Court has power to add or delete any person, at any stage, of the proceedings in case the person is necessary or proper party or his presence is required for an effective adjudication of the issue in respect of the Suit. Learned counsel for the revision petitioner/defendant also stated that every interested parties in the legal proceedings should be made as parties and that



WEB COPY



CRP.(PD).No.950/2019

the order dismissing the petition filed by the revision petitioner/defendant is not appropriate. The grievance of the revision petitioner/defendant is that the Lower Court has failed to consider whether the presence of proposed parties is necessary for proper adjudication of the issues which arise for consideration in the Suit.

- (8) This Court is unable to countenance any of the grounds. First of all, the Suit is for declaration of title and for consequential injunction as against the person who is also claiming title on the basis of a few Sale Deeds. The revision petitioner's vendors have lost their interest as they have already parted away their right to the petitioner. In case the argument of the learned counsel appearing for the revision petitioner/defendant in support of his client has to be accepted then there is no end to limit the array of parties. The revision petitioner's predecessors in interest have no subsisting interest to defend the Suit. Their presence is not necessary as the revision petitioner/defendant has acquired the rights of his vendors. It is true that the Court has absolute power to implead any party at any stage of proceedings provided his presence is required for



WEB COPY



CRP.(PD).No.950/2019

proper adjudication of the case. The predecessors in interest of the revision petitioner/defendant cannot be impleaded to enlarge the scope of litigation. There is nothing on record to indicate that they are necessary or proper parties. No purpose will be served by impleading the proposed parties who are none else than the predecessors in interest of the revision petitioner/defendant.

- (9) The contention of the learned counsel for the respondents/plaintiffs that there is no *bona fides* in the application appears to be true. This Court is unable to find any error or illegality in the order of the learned Additional District Munsif, Tiruchengode in dismissing I.A.No.10/2018. Since the Civil Revision Petition is devoid of any on merits and this Court is unable to find any *bona fides*, the order of Lower Court is confirmed and the Civil Revision Petition is dismissed.
- (10) Learned counsel appearing for the revision petitioner/defendant submitted that the Suit which was pending before Additional District Munsif, Tiruchengode had now been transferred to District Munsif Court, Kumarapalayam and renumbered as O.S.No.362/2020. The learned counsel appearing on either sides



WEB COPY



CRP.(PD).No.950/2019

has no objection to issue direction to the Trial Court to dispose of the Suit within the time stipulated by this Court. The Suit was originally filed in the year, 2013 and therefore, the learned District Munsif Court, Kumarapalayam is directed to expedite the trial in O.S.No.362/2020 as expeditiously as possible preferably within the period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

07.12.2021

cda

Internet : Yes

To

The Additional District Munsif, Tiruchengode,



WEB COPY



CRP.(PD).No.950/2019

S.S.SUNDAR, J.,

cda

CRP.(PD).No.950/2019

07.12.2021