



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM :

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P.No.2080 of 2021

and

C.M.P.No.15829 of 2021

Ayyanarsamy

... Petitioner / Plaintiff

Vs

1.G.Kumar

2.Sekar

3.Sub-Registrar,
Sub-Registrar Office,
Uthangarai,
Krishnagiri District.

.. Respondents 1 to 3 / Defendants

4.Village Administrative Officer,
Village Administrative Office,
Uthangarai,
Krishnagiri District.

5.Thasildar,
Taluk Office,
Uthangarai,
Krishnagiri District.

6.The District Collector,
Collector Office,
Krishnagiri,
Krishnagiri District.

7.Executive Officer,
Selection Grade Panchayat,
Uthangarai,
Uthangarai Town and Taluk,
Krishnagiri District.



8. Assistant Engineer,
TANGEDCO,
Uthangarai,
Krishnagiri District.

9. Assistant Executive Engineer,
TANGEDCO,
Uthangarai.

... Respondents 4 to 9
/ Proposed Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and decreetal order in I.A.No.05 of 2020 in O.S.No.87 of 2019 on the file of District Munsif Court, Uthangarai, Krishnagiri District dated 04.03.2021.

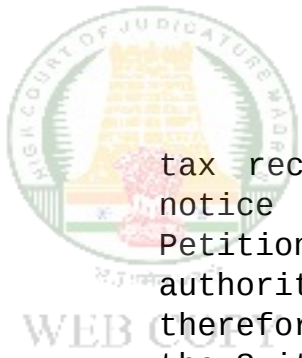
For Petitioner : Mr.K.Thiruvengadam.

O R D E R

This Petition is filed to set aside the order passed in I.A.No.5 of 2020 in O.S.No.87 of 2019 on the file of the District Munsif, Uthangarai, Krishnagiri District on 04.03.2021.

2.This Application in I.A.No.5 of 2020 in O.S.No.87 of 2019 was filed under Order 1 Rule 10(2) of Civil Procedure Code for impleading the proposed Respondents as Defendants in the Suit. It is seen from the affidavit filed in support of this Petition that the Petitioner filed Suit against the Defendants 1 to 3 for seeking relief of injunction against Defendants 1 and 2 that they should not interfere with the Petitioner/Plaintiff's possession and enjoyment of the Suit property. The First Defendant had been giving Application to the Village Administrative Officer and Tahsildar, Uthangarai for effecting name change in the revenue records in respect of the Suit property. He has also given similar application to the Executive officer, Uthangarai and Electricity Department authorities.

3.On the basis of the applications submitted by the First Respondent, the authorities had been summoning the Petitioner to appear for enquiry. The First Respondent had also filed Suit in O.S.No.54 of 2015 for the relief of possession. The Petitioner appeared for enquiry before these authorities and explained about his claim in respect of the Suit property and produced the house



tax receipts and electricity receipts in his name and lawyer notice was also sent. Despite all these efforts made by the Petitioner to prove his claim in the Suit property, the authorities have been repeatedly calling for enquiry and therefore, they have to be necessarily impleaded as parties in the Suit.

4.This Petition was contested by the Respondents claiming that the proposed Defendants are not proper and necessary parties in the Suit. The first Respondent claims right in the Suit property. Considering the rival submissions, the Learned District Munsif, Uthangarai, Krishnagiri has dismissed the Petition. Against the dismissal order, the present Civil Revision Petition is preferred.

5.The Learned Counsel for the Petitioner submitted that proposed Defendants are proper and necessary parties for the proper adjudication of this case. Unless the proposed parties are impleaded as Defendants, it is not possible to adjudicate the matter correctly. Therefore, the order passed by the Learned District Munsif, Uthangarai, Krishnagiri District is liable to be set aside.

6.Considered the submissions of the Learned Counsel for the Petitioner and perused the records.

7.The reading of the Complaint and written statement shows that the Petitioner and First Respondent claimed right in the Suit property. Even in the complaint, it is admitted that petitioner's father had executed the sale deed in favour of the First Defendant. Of course, it is contended that the sale deed was executed without getting any consideration and it was only a sham and nominee. Now both the parties claim ownership in respect of the Suit property. In the dispute between the Petitioner and the First Respondent, whether the proposed parties are proper and necessary parties is a question that has to be addressed.

8.The claim with regard to title and possession of the property has to be proved by producing necessary oral documentary evidence available with the parties to the Suit. Merely because of the applications submitted by the First Respondent, the petitioner was asked to attend enquiry, the proposed defendants



cannot be sought to be impleaded as parties to the Suit. The proposed Defendants are Government authorities. If they are unnecessarily impleaded as Defendants in the Suit, it will cause disturbance to their regular work, apart from causing unnecessary burden on them. Therefore, this Court is of the considered view that proposed Defendants are not proper and necessary parties for adjudicating the dispute between the petitioner and the first Respondent. The petitioner, if so wishes, can summon the proposed defendants as witnesses to prove his case. In this view of the matter, this Court finds there is no reason to interfere with the order of the Learned District Munsif, Uthangarai, Krishnagiri and the order of the Learned District Munsif, Uthangarai, Krishnagiri is confirmed.

9.Resultantly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ay/ep

To

The District Munsif,
Uthangarai,
Krishnagiri District.

C.R.P.No.2080 of 2021
and

C.M.P.No.15829 of 2021

NRJK(CO)
SB(27/10/2021)