

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.3928 of 2018

&

CMP.No.21784 of 2018

1.Selvi

2.Maheswari

3.Govindharaj

.... Petitioners

Vs.

1.Madhaappan

2.The Thasildhar

Uthangarai Taluk,
Krishnagiri District.

3.Chenniammal

.... Respondents

Prayer: The Civil Revision Petition filed under Article 227 of Constitution of India to set aside the petition and docket order dated 24.08.2017 passed in I.A.No.43 of 2017 in O.S.No.177 of 2013 on the file of District Munsif cum Judicial Magistrate, Uthangarai, Krishnagiri District.

For Petitioners

: Mr.K.Thiruvengadam

Respondent Nos.1 to 3

: Notice Served
No appearance.

ORDER

The civil revision petition is filed against the petition and docket order dated 24.08.2017 passed in I.A.No.43 of 2017 in O.S.No.177 of 2013 on the file of District Munsif cum Judicial Magistrate, Uthangarai, Krishnagiri District, thereby dismissing the petition to implead the third respondent as a proposed defendant in the suit.

2.The petitioners are the plaintiffs and the respondents 1 & 2 are the defendants. In the suit filed by the petitioners for declaration and injunction, the first respondent filed a written statement stating that the suit property belongs to one Chenniammal W/o. Ponnukkhan and as such, she is the necessary and proper party to the suit. After the period of three years from the date of filing of the written statement, the petitioners filed a petition to implead the said Chenniammal as one of the defendants in the suit. The said petition was dismissed for the reason of delay in filing the petition to implead the Chenniammal as proposed party.

3.Admittedly, the first respondent herein filed a written statement and had categorically stated that the suit property belongs to one Chenniammal W/o. Ponnukkhan and he also stated that the said Chenniammal is the necessary and proper party to the suit. Therefore, she may be impleaded as a party to the suit to avoid the multiplicity of proceedings.

4.Considering the above, the docket order dated 24.08.2017 passed in I.A.No.43 of 2017 in O.S.No.177 of 2013 by the District Munsif cum Judicial Magistrate, Uthangarai, Krishnagiri District is liable to be set aside and accordingly the same is set aside. This Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

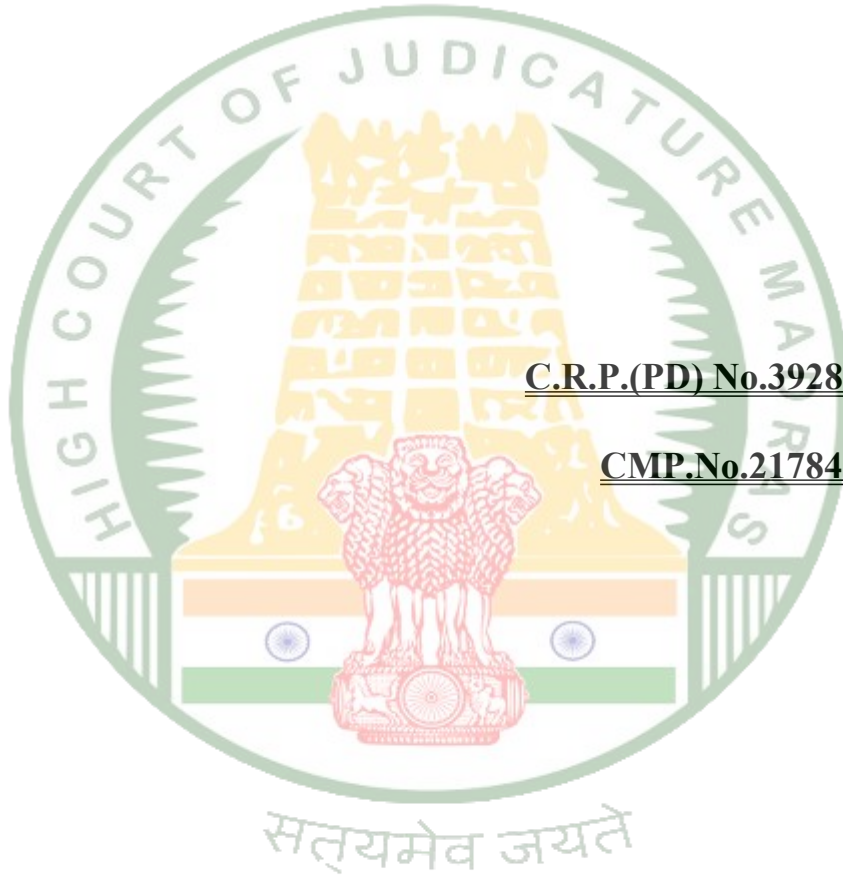
08.07.2021

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
sms

To

District Munsif cum Judicial Magistrate, Uthangarai, Krishnagiri District.

G.K.ILANTHIRAIYAN, J
sms



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