



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.526 of 2019

and

C.M.P. (PD) No.2596 of 2019

WEB COPY

S.Pricilla Marry

... Revision Petitioner/1st Respondent/
Plaintiff

-vs-

- 1.James
- 2.Loordu
- 3.Francis Augustin
- 4.Virgin Marry
- 5.Stella Manickam
- 6.Antony samy

... Respondents 1-6/Petitioners/
Proposed Defendants 7-12

- 7.Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

- 8.State of Tamil Nadu, Through its
District Collector,
Thoothukudi District.

- 9.Xavier
- 10.Francis Raj
- 11.Juliet
- 12.Chandra

... Respondents 7-12/Respondents 2-7/
Defendants 1-6

[RR7 to 12 are given up]

Prayer:- Petition filed under Article 227 of the Constitution of India to set aside the Fair and Decretal order dated 10.01.2019 passed in I.A.No.492 of 2018 in O.S.No.255 of 2016 on the file of learned District Munsif, Kovilpatti.

For Petitioner : Mr.S.Pon Senthil Kumaran
For Respondents : No appearance

ORDER

The plaintiff is the revision petitioner before this Court challenging the order dated 10.01.2019 passed in I.A.No.492 of 2018 in the suit in O.S.No.255 of 2016 passed by the District Munsif, Kovilpatti in and by which, the learned Judge has impleaded respondents 1 to 6 as defendants 7 to 12 in the suit.



2.The facts in brief are as follows:-

2.1.The petitioner/plaintiff had filed the suit in O.S.No.255 of 2016 to declare her as the legal representative of the deceased Savarimuthu and his wife Antonyammal of Kallanthikinar Village, Ottapidaram Taluk, Thoothukudi District and to direct respondents 7 and 8 to issue her with a legal heirship certificate.

2.2.While the suit was pending, respondents 1 to 6 herein had filed the application to implead them as parties to the proceedings. It is their case that the petitioner has filed the suit to declare herself as the adopted daughter of Savarimuthu and Antonyammal. They would contend that Savarimuthu and Antonyammal did not have any issues, but the plaintiff has stated that they adopted her. They would contend that they are the co-sharers of the property along with Antonyammal, whom the petitioner claims to be her mother and therefore, they are necessary parties, as they have an interest in the property, which was transferred by Savarimuthu in favour of the petitioner and also other undivided family properties. They would also submit that they were necessary parties to the proceedings.

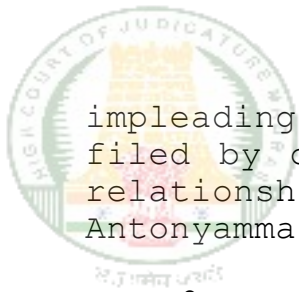
3.The petitioner has opposed the above application stating that the suit filed by her is one for declaring her as the adopted daughter of the said Savarimuthu and Antonyammal and in this suit, respondents 1 to 6 have no *locus standi* to have themselves impleaded.

4.The learned District Munsif, Kovilpatti by order dated 10.01.2019 was pleased to allow the said application. Challenging the same, the petitioner is before this Court.

5.Heard the learned counsel for the petitioner.

6.The suit in O.S.No.255 of 2016 has no doubt been filed to declare the plaintiff as the adopted daughter of Savarimuthu and Antonyammal and seeking a mandatory injunction directing respondents 7 and 8 to issue a legal heirship certificate. The apprehension of the petitioner is that the suit properties are the ancestral properties of Savarimuthu in which respondents 1 to 6 also have an interest. That apart, they also have an interest in the property transferred by Savarimuthu to the plaintiff, which originally belonged to Antonyammal. They would contend that the very declaration is sought for only to stake a claim to the property.

7.In these circumstances, the impleadment of respondents 1 to 6 would bring out a quietus to the entire dispute amongst the parties and would also reduce multiplicity of proceedings. The



impleading respondents 1 to 6, since a perusal of the affidavit filed by defendants 1 to 6 do not indicate that they denied the relationship of the plaintiff to the said Savarimuthu and Antonyammal.

8. In the result, the order dated 10.01.2019 passed in I.A.No.492 of 2018 in O.S.No.255 of 2016 by the learned District Munsif, Kovilpatti is confirmed and consequently, the Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

abr

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The District Munsif,
Kovilpatti.

+1 CC to M/s.S.PON SENTHILKUMARAN, Advocate (SR-35272[F] dated 19/11/2021)

**C.R.P. (PD) (MD) No.526 of 2019
18.11.2021**

RS (08.12.2021) 3P 3C