



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:02.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD)No.1678 of 2021

and

C.M.P. (MD)No.9055 of 2021

WEB COPY

1.Chinnaponnu

2.Thenmozhi

... Petitioners/Petitioners/
Defendants

Vs.

R.Senthil Prabu

... Respondent/Respondent/
Plaintiff

PRAYER: Petition filed under Section 227 of Constitution of India, against the order dated 04.09.2021 in I.A.No.3 of 2020 in O.S.No.185 of 2017 on the file of the District Munsif Court, Kulithalai.

For Petitioners : Mr.J.Anandkumar

ORDER

The defendants in O.S.No.185 of 2017 on the file of the District Munsif Court, Kulithalai are the revision petitioners.

2. The said suit was filed by the respondent herein seeking the relief of declaration and permanent injunction. In the said suit, the defendants filed I.A.No.3 of 2020 for bringing the legal heirs of the vendor as party defendants. It is stated that the one Eniyammal was the vendor for both the plaintiff as well as the defendants. She is no more. To bring her legal heirs on record, the said IA has been filed. The Court below after hearing the learned counsel on either side dismissed I.A vide order dated 04.09.2021. Questioning the same, this petition has been filed.

3. The learned counsel appearing for the revision petitioners reiterated all the contentions set out in the memorandum of grounds. He submitted that it is necessary to implead the legal heirs of the vendor as party defendant. He relied on the decision reported in **2015 (4) CTC 293 (Thiyagarajan Vs. Ahamed)**.



4. I am not satisfied with the contentions advanced by the learned counsel appearing for the revision petitioners. The decision relied on by the counsel cannot have any application to the facts of this case. In the said case, a person who was the purchaser of the suit property pending litigation wanted to get himself impleaded. The Hon'ble Division Bench held that such a person deserves to be impleaded. The case on hand is not one such. The respondent who is the plaintiff is a '*dominus lite*'. He can choose his adversaries. Therefore, the legal heirs of the vendor cannot be brought on record at the instance of the defendants in the suit. The court below had correctly appreciated the factual matrix to dismiss the petition for impleading the proposed party. I do not find any ground to interfere. This civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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

The District Munsif , Kulithalai.

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