



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	07.09.2021
DELIVERED ON	17.09.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.2185 of 2019

and

C.M.P(MD)No.11406 of 2019

WEB COPY

Manikandan

... Petitioner/1st Respondent/Plaintiff

Vs.

1.V.Vijayalakshmi

... 1st Respondent/Petitioner/Proposed 5th Defendant

2.The District Collector,
Dindigul District.

3.The Tahsildar,
Office of the Tahsildar,
Palani.

4.Veeramani

5.Nagarathinam

... R-2 to 5/R-2 to 5/Defendants 1 to 4

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 27.09.2019 passed in I.A.No.348 of 2018 in O.S.No.16 of 2016 on the file of the District Munsif Court, Palani.

For Petitioner : Mr.M.P.Senthil
For R-1 : Mr.D.Venkatesh
For R-2 & R-3 : Mr.A.Baskaran
Government Advocate

O R D E R

This Civil Revision Petition has been filed by the revision petitioner/1st respondent/plaintiff, to set aside the fair and decreetal order, dated 27.09.2019 in I.A.No.348 of 2018 in O.S.No.16 of 2016, passed by the learned District Munsif, Palani.

2.The suit in O.S.No.16 of 2016 was filed by the revision petitioner/plaintiff to declare that the plaintiff and the defendants 3 & 4 are legal heirs of the deceased Jothimani. During the pendency of the suit, the 1st respondent/petitioner/proposed 5th respondent has filed a petition in I.A.No.348 of 2018 to implead herself as 5th respondent in the suit before the learned District Munsif, Palani and the same was allowed by the Court below on



27.09.2019. Aggrieved by the said order the revision petitioner herein is before this Court.

3.Heard Mr.M.P.Senthil, learned counsel appearing for the petitioner and Mr.D.Venkatesh, learned counsel appearing for the first respondent and Mr.A.Baskaran, learned Government Advocate appearing for the respondents 2 & 3 and perused the material documents available on record.

4.Since the deceased Jothimani had adopted the 1st respondent/proposed party herein and also executed a settlement deed during her life time she has filed a interlocutory petition in I.A.No.348 of 2018 to implead herself as a party in the suit in O.S.No.16 of 2016.

5.If the proposed party proved to be an adopted daughter of the deceased Jothimani she is one of the legal heirs of the said Jothimani. Therefore, she is a necessary party to the suit. But, the proposed party has not filed any documents to prove her contention stated in the affidavit filed along with the impleading petition in I.A.No.348 of 2018 before the learned District Munsif, Palani.

6.In view of the foregoing reasons, this Court is inclined to interfere with the order, dated in I.A.No.348 of 2018 in O.S.No.16 of 2016, passed by the learned District Munsif, Palani.

7.Accordingly, this Civil Revision Petition is allowed by setting aside the order, dated 27.09.2019 passed by the learned District Munsif, Palani, in I.A.No.348 of 2018 in O.S.No.16 of 2016. The learned District Munsif, Palani, is directed to take I.A.No.348 of 2018 on file and shall provide sufficient time to produce documents to the 1st respondent as a party and dispose the matter on merits once again, in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Palani.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-29422[F] dated 17/09/2021)

+1 CC to M/s.SPL. GP (SR-29570[F] dated 20/09/2021)

Order made in
C.R.P. (MD) .No.2185 of 2019
17.09.2021

RS (24.09.2021) 3P 4C