



WEB COPY



C.R.P(PD)No.740 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.740 of 2022
and C.M.P.No.3706 of 2022

Sumathi

...Petitioner

Vs.

1.Rajamanickam

2.Saminathan

3.Gopal @ Rajagopal

... Respondents

4.The Village Administrative Officer

Sivadhapuram Village

Salem Taluk and District

5.The Sub Registrar

Sooramanagalam

Salem Taluk and District

... Proposed parties

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the decretal order dated 04.12.2021 made in I.A.No.2 of 2021 in O.S.No.577 of 2017 on the file of the Court of Principal District Munsif, Salem.

For Petitioner

:Mr.M.Senthil Kumar



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For Respondents

: Mrs.S.Sasikala for R1 to R3

Mr.P.Harish

Government Advocate for R4 & R5

ORDER

The plaintiff in O.S.No.577 of 2017 which she had filed for bare injunction against an apprehended threat of dispossession, has taken out I.A.No.2 of 2021 for impleading the Village Administrative Officer and Sub Registrar as additional parties. This came to be dismissed.

2.Heard both sides.

3.It appears from the impugned order that the defendants 1 to 3 have filed another suit in O.S.No.794 of 2009 before the IV Additional District Munsif Court, Salem, and the same is pending trial. The trial Court has rightly held in a suit for bare injunction, and that what is significant in deciding the issue is the proof of lawful possession of the property and not issues alien to the same. This court concurs with a view of the trial Court and does not find any illegality, irregularity or impropriety in the order of the trial Court.



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4.In addition, this Court also wants to observe that the plaintiff now wants to implead two officials but an office is not a juristic person, which jurisdictional aspect the plaintiff appears to have ignored.

5.In the result, this Civil Revision Petition is dismissed. Consequently, the Connected Miscellaneous Petition is also dismissed. No cost.

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Index : Yes/No

kas

To

Principal District Munsif,
Salem.



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N.SESHASAYEE, J.,

kas/dk

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