

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

CRP.No.533 of 2022
& CMP.No.2789 of 2022

Arunagiri ... Petitioner/Third party/Petitioner

Versus

- 1."Malayalasamy Madam"
Rep by its Present Madathipathy,
Sri.Velayutham Swamigal,
Rep. by his power agent,
A.Nithiyanandam. ... Respondent/Plaintiff/Respondent
- 2.S.Pachiyappan
- 3.Thilakvathy Ammal
- 4.The District Collector,
Tiruvannamalai District.
- 5.The Tahsildar,
Tiruvannamalai.
- 6.The Superintending Engineer,
TNEB, Vengikkal,
Tiruvannamalai District.
- 7.The Junior Engineer,
TNEB,
Kalasapakkam Village,
Tiruvannamalai District.
- 8.The President,
Panchayat Board,
Kalasapakkam Village,
Polur Taluk,
Tiruvannamalai District.
... Respondents/Defendants/Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.11.2021 made in I.A.No.19 of 2021 in O.S.No.275 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Kalasapakkam.

For Petitioner : Mr.Jeremiah Gregory John
For R4, R5 & R8 : Mr.P.Harish,
Government Advocate(CS)

O R D E R

The suit is filed for declaration of title by the plaintiff, in which the Revision Petitioner wants to barge in and seeks his impleadment Vide I.A.No.19 of 2021. The matter was enquired by the trial Judge very elaborately, if not meticulously and almost traces how the plaintiff might be the right person to have the locus standi to institute the suit and not the Revision Petitioner/third party to the suit. This order is now in challenge.

2.Mr.Jeremiah Gregory John, the learned counsel for the Revision Petitioner submitted that both the side claim right to manage the affairs of the property in a document executed by Pattappu Sami Ji and it is very important that the locus standi of the plaintiff may have to be tested in the context of the cause of action.

3.Merit, there may be, in the submissions of the learned counsel for the Revision petitioner yet, as a third party to the litigation, he cannot gate crash in a litigation against the will of the plaintiff. After all, the plaintiff is the architect of his suit and he has every right to choose his defendant. Secondly, in terms of the cause of action in the suit, the plaintiff focused it on two private individuals and few Government Officials and the present Revision Petitioner hardly has a role in that. Therefore, this Court is least inclined to interfere with the order of the trial Court.

4.If however, the Revision Petitioner is desirous of establishing any right that may have to worked out separately.

5.Given the complexion of the reason for impleading the Revision Petitioner in the suit, this Court finds there is absolutely no need for the trial Court to halt the trial of the suit, which even according to the order of the trial Court is now pending adjudication for 16 years. In other words, with or

without the Revision Petitioner filing any separate proceedings against the plaintiff for establishing the right, that will be an independent cause of action and will have little to do with the cause of action in the present suit and the trial of the suit cannot be halted on that pretext.

6.The Civil Revision Petitioner is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Tsg

To

1.The District Munsif cum Judicial Magistrate,
Kalasapakkam.

+1cc to Mr.P.Harish, Advocate SR.No.14700

+1cc to the Special Government Pleader(CS), SR.No.14442

CRP.No.533 of 2022

SJ(CO)

GN(21/03/2022)