



WEB COPY



C.R.P(PD)Nos.709, 717, 747, 726, 711, 713 & 715 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)Nos.709, 717, 747, 726, 711, 713 & 715 of 2022

C.R.P.(PD).No.709 of 2022

1.S.R.Prasanna
W/o.Alagapparasu

2.Y.Alagapparasu
S/o.Thangaiyan

3.Vidyasagar
S/o.Alagapparasu

4.Indumathi
W/o.Vidyasagar

... Petitioners

Vs.

1.Anitha Jain
Rep. by his power agent Prakash Chand Jain

2.Padam Chand Jain
S/o.Srinivasa Jain

... Respondents



PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decreetal order dated 02.11.2021 in I.A.No.534 of 2017 in O.S.No.74 of 2014 passed by the learned Additional District Judge, Kancheepuram District at Chengalpattu.

For Petitioners : Mr.M.Radhakrishnan

COMMON ORDER

There are about seven (7) suits filed by seven different individuals, all laid against a common set of defendants, challenging a settlement deed dated 28.03.2005 executed by the 1st defendant in favour of the 2nd defendant, and also another settlement deed dated 26.07.2012 executed by the 3rd defendant in favour of the 4th defendant. In each of the suits, the plaintiffs have taken out an application for impleading a certain Padam Chand Jain as an additional defendant on the ground that he has been allotted 11 cents in a family arrangement in a certain survey number. The details are as below:

<i>Plaintiff</i>	<i>O.S.No.</i>	<i>I.A.No.</i>	<i>C.R.P (PD).No.</i>
Anita Jain	74/2014	534/2017	709/2022
Sandeepkumar Jain	75/2015	535/2017	717/2022
Dilipkumar Jain	73/2014	533/2017	747/2022
Susilkumar Jain	72/2014	532/2017	726/2022
Bimalkumar Jain	71/2014	531/2017	711/2022



<i>Plaintiff</i>	<i>O.S.No.</i>	<i>I.A.No.</i>	<i>C.R.P (PD).No.</i>
Sunitha Jain	77/2014	537/2017	713/2022
Lalitkumar Jain	76/2014	536/2017	715/2022

2.All these applications were allowed by separate orders of the learned trial Judge dated 02.11.2021. They are challenged by the defendants 1 to 4 in the suit in these batch of Civil Revision Petitions.

3.Learned counsel for the revision petitioners submitted that the sole ground for impleading Padam Chand Jain as an additional 5th defendant in each of the seven suits is that in a family arrangement in the family of the plaintiff, Padam Chand Jain was allotted 11 cents in Survey No.59, whereas the suit property does not relate to Survey No.59 in any one of the seven suits. Learned trial Judge was in error when he did not enter a finding how the proposed party was either a necessary party, or a proper party for the adjudication of the *lis*.

4.1 The submissions of the learned counsel may not be entirely out of place but in the context of addressing an issue if the Court should interfere with the said order of the trial Court at the instance of the defendants 1 to 4, this Court



does not find that it is not grave enough for this Court to interfere, for it neither changes the cause of action of the suit, nor does it affect the right of defence. This can be explained.

4.2 In all the seven suits two settlement deeds are in question as outlined earlier. The first of the settlement deed is the one executed by the 1st defendant in favour of the 2nd defendant on 28.03.2005 and the second settlement deed is the one which was executed by the 3rd defendant in favour of the 4th defendant on 26.07.2012. The revision petitioners / defendants 1 to 4 are pitted in the suit to defend this cause of action, and their focus must rest in defending this cause of action. If Padam Chand Jain has little to do with the suit but still is ordered to be in the plaint, that should concern Padam Chand Jain, and not the defendants. After all, the presence or absence of Padam Chand Jain is not going to affect the defence or the quality of defence which the defendants 1 to 4 / revision petitioners might have to offer in the efforts to defend the cause of action for the suit. Given the setting, the presence of Padam Chand Jain may be a mere appendage that they can safely ignore.



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5. These Civil Revision Petitions are dismissed at the admission stage itself accordingly. No costs.

15.03.2022

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To

The Additional District Judge
Kancheepuram District
Chengalpattu.



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N.SESHASAYEE, J.,

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