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C.R.P (PD).No.2333 of 2022 and
C.M.P.No.11975 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).No.2333 of 2022 and
C.M.P.No.11975 of 2022

T.K.N.Kandhasubramaniyan

... Petitioner

Vs.

1.Muthusamy

2.Govindaraj

3.Selvaraj

4.Thirumurugan

5.The District Collector,
Namakkal.

6.The Tahsildar,
Tahsildar Office,
Rasipuram Taluk, Namakkal District.

7.The VAO,
Seerapalli Village,
Rasipuram Taluk.

8.Jayaraman

... Respondents



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PRAYER : Civil Revision Petition is filed under Article 227 of The Constitution of India, to set aside the order and decree dated 06.07.2021 made in I.A.No.3 of 2020 in O.S.No.228 of 2018 on the file of the Sessions Judge (Fast track Mahila), Namakkal.

For Petitioner : Ms.T.Dhanyakumar

ORDER

This Civil Revision Petition has been preferred to set aside the order and decree dated 06.07.2021 made in I.A.No.3 of 2020 in O.S.No.228 of 2018 on the file of the Sessions Judge (Fast track Mahila), Namakkal.

2. Heard Ms.T.Dhanyakumar, learned counsel for the petitioner and perused the materials available on record.

3. The short facts of the case are as follows:

The revision petitioner is the plaintiff who has filed the suit against the defendants 1 to 4 for declaration and permanent injunction. During the pendency of the suit, the respondents / proposed parties have filed a petition in I.A.No.3 of 2020 to implead themselves as parties to the proceedings and the same was allowed. Aggrieved over that, this Civil Revision Petition has been filed.



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4. The learned counsel for the civil revision petitioner submitted that the proposed parties are unnecessary parties to the suit and the relief is only against the Government and not against any private persons.

5. It is seen from the records that the proposed parties have filed the said petition by stating that the plaintiff knows very well about their entitlement of conducting prayers and festivals in the suit temple and that was suppressed by the petitioner / plaintiff.

6. When a petition is filed to implead the parties on the allegation that they are also interested in the suit, the Court needs to take into consideration of their interest. The petitioner / plaintiff has not stated in his plaint that the suit property is a temple and in which, some of the private parties have got interest. When the proposed parties are allowed to be impleaded, it is possible for the Court to deal with the real facts of the case and that will avoid multiplicity of proceedings at any later point of time. Since the third parties have pleaded their interest, they should also be given with liberty to disprove the claim of the plaintiff. It will also help to avoid any future technical



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difficulties like non-joining of necessary parties. The learned Trial Judge is right in dealing with the issue positively and allowed the petition. Hence, I find no reasons for interference.

7. In the result, this Civil Revision Petition stands dismissed and the order passed in I.A.No.3 of 2020 in O.S.No.228 of 2018 by the Sessions Judge (Fast track Mahila), Namakkal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To

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The Sessions Judge (Fast track Mahila), Namakkal.



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R.N.MANJULA, J

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