



CRP.No.3862 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3862 of 2022

and

CMP.No.20267 of 2022

1.S.Pachaimmal
2.Dhanalakshmi
3.Rajeshwari

... Petitioners

Vs.

1.K.Elumalai
2.K.Krishnamoorthy

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the decreetal order and fair order dated 10.06.2022 in I.A.No.226 of 2022 in O.S.No.30 of 2016 on the file of the learned Additional District Munsif Court, Thiruvannamalai and allow the CRP.

For Petitioner : Mr.M.Prabhakar



CRP.No.3862 of 2022

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below dismissing the petition for impleadment filed by the revision petitioners.

2. The first respondent herein filed a suit for injunction against the second respondent in O.S.No.30 of 2016 on the file of the learned Additional District Munsif Court, Thiruvannamalai. The petitioners herein filed an application in I.A.No.226 of 2022 seeking their impleadment in the suit for injunction filed by the first respondent against the second respondent.

3. It is the case of the petitioners that they also instituted a suit for partition against the second respondent herein, who is the brother of the petitioners and the second respondent's wife, viz., wife Hemalatha and also the first respondent herein.



CRP.No.3862 of 2022

WEB COPY

4. According to the petitioners, the suit filed by the first respondent against the second respondent is a collusive suit and the subject matter of the property in the suit filed by the first respondent against the second respondent is also the subject matter of the suit for partition filed by the petitioners. Therefore, it is the case of the petitioners that their presence is very much required in the suit for injunction filed by the first respondent against the second respondent. However, I am unable to accept the contention raised by the petitioners.

5. The first respondent herein filed a suit for permanent injunction against the second respondent in O.S.No.30 of 2016 on the file of the learned Additional District Munsif Court, Thiruvannamalai. Even assuming any decree is passed in the suit filed by the first respondent in his favour, it will not bind the petitioners herein. Already the petitioners filed a comprehensive suit for partition including the subject matter of the present suit in O.S.No.30 of 2016. Therefore, the



CRP.No.3862 of 2022

presence of the petitioners are not at all required in the suit for permanent injunction filed by the first respondent against the second respondent, as relief of injunction is personal remedy.

6. In view of the discussion made above, I do not find any error in the impugned order passed by the Court below.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

25.11.2022

Index : Yes / No
Internet : Yes / No
dna



CRP.No.3862 of 2022

WEB COPY

To

The Additional District Munsif Court, Thiruvannamalai



WEB COPY



CRP.No.3862 of 2022

S.SOUNTHAR , J.

dna

CRP.No.3862 of 2022
and
CMP.No.20267 of 2022



WEB COPY



CRP.No.3862 of 2022

25.11.2022