



CRP(PD)(MD)No.1308 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1308 of 2022

and

C.M.P.(MD)No.5430 of 2022

R.Govindharaj

... Revision Petitioner

versus

1. Govindaraj
2. Krishnan
3. Parthasarathy
4. Damodharan
5. Padmavathi
6. Andal
7. Dhanabaggiam
8. Saraswathi
9. Minor Hariharan

Rep. by his mother Saraswathi/
8th respondent herein

10. R.Mahalakshmi
11. Minor R.Kasthuri Rangan
12. Minor Yesodha
13. Minor Kanagalakshmi

(R11 to R13 are represented by their
mother R.Mahalakshmi (10th respondent))



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14. J.Manivannan
15. Yesodhi
16. Renganathan
17. Muthulakshmi
18. S.Anjana
19. S.Ramkumar
20. S.Lakshmanakumar
21. S.Dhanraj
22. J.Govindammal

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 03.02.2022 passed in I.A.No.2 of 2021 in O.S.No.164 of 2014 on the file of the learned III Additional District Judge, Tiruchirappalli.

For Revision Petitioner : Mr.J.Sriprasad

For Respondents : Mr.M.Saravanan

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 03.02.2022, passed by the learned III Additional District Judge, Tiruchirappalli, in I.A.No.2 of 2021 in O.S.No.164 of 2014.



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2. The plaintiffs are respondents 18 to 21. The defendants 2 to 14 and 17 to 19 are respondents 1 to 17 and the defendants 15 and 16 are respondents 22 and 23. The plaintiffs have filed the suit in O.S.No. 164 of 2014 for declaration of title and preliminary decree for partition. The defendants 2 to 14 and 17 to 19 have filed an interlocutory application in I.A.No.2 of 2021 under Order 8 Rule 1-A(3) and Section 151 of Civil Procedure Code to receive certain documents as additional documents. The same was objected by the plaintiffs. However, the learned trial Judge, by order dated 03.02.2022, allowed the said interlocutory application that the documents are very vital to decide the merits of the case. Aggrieved over the same, the 16th defendant has filed this Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner submits that the revision petitioner is an unnecessary party to the suit filed for declaration and by introducing the new documents, the defendants are attempting to question the right of the revision petitioner



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in the suit property. If the documents are accepted, then the revision petitioner/16th defendant is an unnecessary party to the suit. While deciding this application filed under Order VIII Rule 1-A of C.P.C. the Court ought to have declared the revision petitioner/16th defendant is also an unnecessary party to the suit.

4. This Court heard the learned counsel appearing for the revision petitioner and also the order passed by the learned trial Judge in I.A.No.2 of 2021.

5. The said application in I.A.No.2 of 2021 was filed by the defendants 2 to 14 and 17 to 19 to receive additional documents. According to them, the documents 1 to 3 have been received under Right to Information Act, which indicate that some properties stand in the name of Arulmigu Periyannayagi Amman Temple and 4th document is a writ petition for direction to recover the temple properties from the encroacher. Since the documents required to be received as additional



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documents are also pertaining to the suit schedule property, the learned trial Judge felt that the proposed documents are vital to decide the merits of the case and allowed the said interlocutory application. This Court does not find any error in the order passed by the learned trial Judge.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2022

Index : Yes / No.

Internet: Yes / No.

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To

1. The learned III Additional District Judge,
Tiruchirappalli.



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B.PUGALENDHI, J.

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