



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) .No.1973 to 1975 of 2021

and

C.M.P. (MD) .Nos.10607 to 10609 of 2021

WEB COPY

C.R.P. (MD) .No.1973 of 2021

Archunan

... Petitioner/Petitioner/
Third Party

Vs.

1.Puvaneshwari

...1st Respondent/1st Respondent/
Petitioner

2.Veeramohan

3.Veerapathran

... Respondents 2,3/
Respondent 2,3/
Respondents 1,2

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 29.03.2021 passed in I.A.No.1 of 2019 in R.C.O.P.No.2 of 2019 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.M.Saravanan

For Respondents : No appearance

C.R.P. (MD) .No.1974 of 2021

Archunan

... Petitioner/Petitioner/
Third Party

Vs.

1.Rukmani

...1st Respondent/1st Respondent/
Petitioner

2.Veeramohan

3.Veerapathran

... Respondents 2,3/
Respondents 2,3/
Respondents 1,2

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 29.03.2021 passed in I.A.No.3 of 2019 in R.C.O.P.No.3 of 2019 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.M.Saravanan

For Respondents : No appearance



C.R.P. (MD) .No.1975 of 2021

Archunan

... Petitioner/Petitioner/
Third Party

Vs.

1.Rukmani

...1st Respondent/1st Respondent/
Petitioner

2.Veeramohan

3.Veerapathran

... Respondents 2,3/
Respondents 2,3/
Respondents 1,2

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 29.03.2021 passed in I.A.No.3 of 2019 in R.C.O.P.No.4 of 2019 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.M.Saravanan

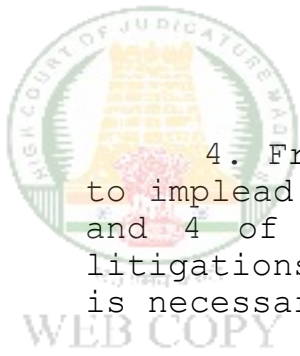
For Respondents : No appearance

C O M M O N O R D E R

The revision petitioner has filed these Civil Revision Petitions to set aside the order passed by the District Munsif Court, Theni in I.A.Nos.1, 3 and 3 of 2019 in R.C.O.P.Nos.2, 3 and 4 of 2019, dated 29.03.2021.

2. The I.A.Nos.1, 3 and 3 of 2019 were filed by the revision petitioner/third party under Order 1 Rule 10 r/w. Section 151 of C.P.C., to implead him as respondent in R.C.O.P.Nos.2, 3 and 4 of 2019.

3. The revision petitioner has stated that there is a dispute in the title of the property and he has already filed a suit in O.S.No.72 of 2007 before the District Munsif Court, Theni, for declaration and injunction against the first respondent. The first respondent's sister Rukmani and Buvaneswari filed a suit in O.S.No.575 of 2006 for bare injunction against the revision petitioner. The O.S.No.72 of 2007 was decreed and O.S.No.575 of 2006 was dismissed by the trial Court. Against both the judgment, the first respondent's sister Rukmani and Buvaneswari filed A.S.Nos.35 of 2012 and 43 of 2011 before the Sub Court, Theni. Both the appeals were allowed. Against which, the revision petitioner has filed second appeals and the same are in S.R.Nos.30609 and 30610 of 2018 and not yet numbered. The first respondent/petitioner in R.C.O.P.No.2 of 2019 admitted all the above facts. The second and third respondents, who are the tenants also contended that after knowing the title dispute, they paid the rent only to the revision petitioner.



4. From the above facts, this Court finds that it is necessary to implead the revision petitioner as respondent in R.C.O.P.Nos.2, 3 and 4 of 2019, to decide the issue in question. Since already litigations are pending between the parties, the revision petitioner is necessary to conduct the R.C.O.P.Nos.2, 3 and 4 of 2019.

5. In the result, these Civil Revision Petitions are allowed, by setting aside the order passed by the District Munsif Court, Theni in I.A.Nos.1, 3 and 3 of 2019, dated 29.03.2021. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The District Munsif,
Theni.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-8596[F] dated 25/02/2022)

C.R.P. (MD) .Nos.1973 to 1975 of 2021

24.02.2022

RK(17/03/2022) 3P 3C