



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.1959 of 2017 and
CMP (MD) .No.9959 of 2017

Barisha Begam : Petitioner / 2nd Respondent/
2nd proposed defendant
Vs.

1.A. Mohamed Yasin : 1st Respondent/Petitioner/
Plaintiff
2.Selvathu Nisha : 2nd Respondent/1st Respondent/
Defendant
3.Barisha Beevi : 3rd Respondent/3rd Respondent/
3rd Proposed Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree passed dated 11.10.2017 made in I.A.No.326 of 2017 in O.S.No.171 of 2013 on the file of the Principal District Munsif, Manamadurai.

For petitioner : Mr. G. Gomathi Sankar

For R1 : Mr. M. Anathamurugan

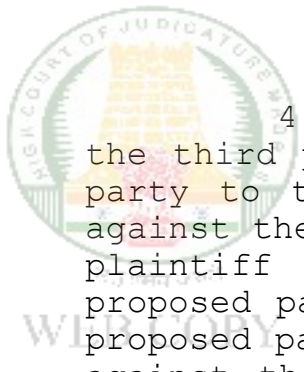
For R2 : No appearance

ORDER

The revision petitioner / 2nd respondent filed this revision to set aside the order dated 11.10.2017 made in I.A.No.326 of 2017 in O.S.No.171 of 2013 on the file of the Principal District Munsif, Manamadurai.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Application in I.A.No.326 of 2017 filed by the plaintiff to implead the third party as defendants 2 and 3. The suit is for bare injunction against the first respondent / defendant not to interfere with his possession.



4. Now, the revision petitioner executed a sale deed to the third proposed defendant and hence, he is not at all necessary party to the bare injunction suit. The cause of action is also against the first defendant not against the proposed party. If the plaintiff wants to amend the prayer for declaration against the proposed party he has to file a fresh suit. He cannot implead the proposed party in the bare injunction suit where no cause of action against these proposed parties. Hence, this Court is inclined to interfere with the order passed by the trial Court.

5. Accordingly, this Civil Revision Petition is allowed by setting aside the order dated 11.10.2017 made in I.A.No.326 of 2017 in O.S.No.171 of 2013 on the file of the Principal District Munsif, Manamadurai. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal District Munsif, Manamadurai.

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-12578[F] dated 16/03/2022)

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RK(31/03/2022) 2P 3C