



C.R.P. Nos. 3633, 3635, 3636, 3637
& 3642 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 3633, 3635, 3636, 3637 & 3642 of 2022

C.R.P. No.3633 of 2022

Santhamani,
W/o. Chinnan

... Petitioner

Vs.

1. Muthusamy
2. Samiyappan
3. Shanmugam

... Respondents

PRAYER in C.R.P. No. 3633 of 2022 : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order passed in unnumbered O.S. CFR No.2156 of 2022 dated 07.07.2022 on the file of learned Principal District Munsif Court, Tiruppur and direct the court to number the plaint and proceed in accordance with law.



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C.R.P. No.3635 of 2022

K.Manomani,
W/o. Karuppusamy
Vs.

... Petitioner

1. Muthusamy
2. Samiyappan
3. Shanmugam

... Respondents

PRAYER in C.R.P. No. 3635 of 2022 : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order passed in unnumbered O.S. CFR No.2106 of 2022 dated 07.07.2022 on the file of learned Principal District Munsif Court, Tiruppur and direct the court to number the plaint and proceed in accordance with law.

C.R.P. No.3636 of 2022

D.Raju,
S/o. Devaraj

... Petitioner

Vs.

1. Samiyappan
2. Muthusamy
3. Shanmugam

... Respondents

PRAYER in C.R.P. No. 3636 of 2022 : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal



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order passed in unnumbered O.S. CFR No.2026 of 2022 dated 07.07.2022
on the file of learned Principal District Munsif Court, Tiruppur and direct
the court to number the plaint and proceed in accordance with law.

C.R.P. No.3637 of 2022

R.Bairavi,
W/o. Rajan

... Petitioner

Vs.

1. Muthusamy
2. Samiyappan
3. Shanmugam

... Respondents

PRAYER in C.R.P. No. 3637 of 2022 : Civil Revision Petition filed under
Art. 227 of Constitution of India, praying to set aside fair and decreetal the
order passed in unnumbered O.S. CFR No.2295 of 2022 dated 07.07.2022
on the file of learned Principal District Munsif Court, Tiruppur and direct
the court to number the plaint and proceed in accordance with law.

C.R.P. No.3642 of 2022

K.Raman,
S/o.Kittan

... Petitioner

Vs.

1. Muthusamy
2. Samiyappan
3. Shanmugam

... Respondents



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PRAYER in C.R.P. No. 3642 of 2022 : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside fair and decreetal the order passed in unnumbered O.S. CFR No.2695 of 2022 dated 14.09.2022 on the file of learned Principal District Munsif Court, Tiruppur and direct the court to number the plaint and proceed in accordance with law.

For Petitioner in
all C.R.P.s : Mr.N.Manoharan

COMMON ORDER

Challenging the impugned orders dated 07.07.2022 and 14.09.2022 passed by the trial judge in an numbered plaints rejecting the plaints respectively, the present Civil Revision Petitions have been filed.

2. The contention of plaintiffs is that they are in occupation of natham property through their ancestors and after their ancestors, now they are in possession of the property. As the defendants have caused



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interference with their possession and enjoyment of the property, the plaintiffs have filed the suits seeking for a declaration and other consequential relief in respect of koorai veedu situated at Thottipalayam Village in Survey No.749 measuring an extent of around 600 sq.ft. bearing Door No.149. The plaints were rejected by the trial court stating that they cannot claim right on adverse possession against the defendants, because the defendants are not true owners of the property and without including the Government as a party in the suit, the prayer claimed by the plaintiffs is unsustainable one. Now, challenging the same, the present Civil Revision Petitions have been filed.

3. On perusal of relief claimed by the plaintiffs, the documents scheduled nearly about 10 documents showing that they are residing in the property and also produced Family card, aadhar card, gas connection book voter ID, Pancard and birth certificates etc. All the documents prima facie shows that they are residing in the property and whether they are lawful owners of the property, it can be proved only at the time of trial. However, the clam of Revision Petitioners is that the property is a natham property.



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Though the Government has no right, the revenue officials are necessary parties to identify the nature property, since the plaintiffs themselves claims that it is a natham property. But, without giving opportunity to the plaintiffs to prove their case, at the time of numbering itself, the plaints were rejected by the trial court, as such is not acceptable one, because they are having valid right over the property subject to proof. If they are not allowed to prove their claim, their right to defend the case would be defeated. Hence, the order passed by the trial judge is set aside and the trial judge is directed to take the plaints on file and proceed with the case. The plaintiffs are also advised to implead the revenue officials as necessary party to the proceedings. Accordingly, these Civil Revision Petitions are allowed. No costs.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

Principal District Munsif, Tiruppur.

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T.V.THAMILSELVI, J.

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