



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI

CRP.No. 4355 of 2023

and

C.M.P.No.26448 of 2023

1. S.M.A Basheer Ahamed
 2. K.A.Rasheeda Beevi
 3. M.Rahima Beevi
 4. S.M.A.Nazerulla
 5. S.M.A Siddique
- Represented by power agent
S.Muruganandham

... Petitioners

Vs.

1. V.Kamala
 2. S.Chandrasekar
 3. The Thasildhar
- Sholinganallur Taluk

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 23.08.2023 in I.A.No.1 of 2022 in O.S.No.254 of 2013 passed by the learned Additional District Munsif at Alandur.

For Petitioners : Mr.G.Kingston Jerold



For Respondents : Mrs.Hema Sampath, Senior Counsel
for Mrs.R.Meenal

ORDER

The petitioner has filed this petition to set aside the order dated 23.08.2023 in I.A.No.1 of 2022 in O.S.No.254 of 2013 passed by the learned Additional District Munsif at Alandur.

2. Before commencement of the trial, the petitioners have filed an application under Order I Rule 10(2) of CPC, to implead the Tahsildhar, Sholinganallur as the 3rd defendant in the suit. Because in respect of the suit property boundaries is existed in two villages, namely Madipakkam Village and Pallikarunai village. In order to identify the correctness of the suit schedule property, the plaintiffs want to implead the Tahsildhar as necessary party and the said application was dismissed by the learned trial Judge holding that the Tahsildhar can not be summoned and examine the person as witnesses. Since there was no cause of action against the proposed party, the same was dismissed. Aggrieved by the same, the revision petitioners have preferred this revision.

3. The learned counsel for the revision petitioners submitted that to



identify the boundaries of the suit property, which is involved in two villages, the Tahsildhar is the necessary party to the proceedings.

4. The learned senior counsel for the respondents / defendants submitted that the suit was filed for bare injunction, if at all, he want the petitioners to identify the property, they can examine the Tahsildhar, as a necessary witnesses.

5. Admittedly, the learned trial Judge has rightly pointed out that there is no cause of action against the petitioners, and there is no necessity to implead the Tahsildhar in the proceedings.

6. However, liberty is given to the petitioners to examine the Thasildar or any other Revenue Officials to identify the suit property, in the manner known to law.

T.V.THAMIL SELVI, J.

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7. Accordingly, this Civil Revision petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
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To

1. The Thasildhar,
Sholinganallur Taluk.
2. The Additional District Munsif,
Alandur.
3. The Section Officer,
VR-Section, High Court of Madras.

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