



C.R.P.No.146 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.146 of 2023

Padmini

... Petitioner

Vs

1.Jothimani

2.Vasanthi

3.Anusiya

4.Jawagarrasa

5.Sujoriya

6.Guneka

7.The Tahsildar,
Thasildar Office,
Kallakurichi District.

8.Pavitha

9.Udhayabanu

10.Ram Kishore

... Respondents



C.R.P.No.146 of 2023

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal Order passed in I.A.No.1566 of 2021 in O.S.No.228 of 2020 dated 23.04.2022 on the file of Principal District Munsif Court at Kallakurichi by allowing the present Civil Revision Petition.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.V.Jeevagiridharan (for R7)

ORDER

The civil revision petition has been filed against the Fair and Decretal Order passed in I.A.No.1566 of 2021 in O.S.No.228 of 2020 dated 23.04.2022. The revision petitioner is the first plaintiff in the suit which was instituted for declaration.

2. During the pendency of the suit, respondents 1 to 6 filed an application under Order I Rule 10 of CPC, to implead themselves as defendants in the suit as they being necessary parties for adjudication of the



C.R.P.No.146 of 2023

issues. The first petitioner Mrs.Jothimani is the wife of the deceased Subramanian. The other petitioners are the children born to Mrs.Jothimani and her husband late Mr.Subramanian. The said facts were not disclosed in the suit by the plaintiff.

3. When the respondents 1 to 6 came to know about the facts regarding the institution of suit for declaration, they filed the application for impleading under Order 1 rule 10 of CPC. The Trial Court considered the issues raised between the parties and further considered the documents marked by the respondents 1 to 6. The Adhar Card, Community Certificates, Family Card, ect., produced by the respondents 1 to 6, revealed that they became necessary parties for the adjudication of issues raised in the suit, filed by the revision petitioner herein.

4. The suit is to be instituted by impleading all the necessary parties. When the respondents 1 to 6 could able to establish that they are necessary parties for the effective adjudication of the suit instituted by the revision



C.R.P.No.146 of 2023

petitioner, this Court does not find any infirmity in respect of impleading respondent 1 to 6 as defendants in the suit. Thus, the revision petitioner has not made out any acceptable ground for the purpose of considering the relief.

5. Accordingly, the Fair and Decretal Order passed in I.A.No.1566 of 2021 in O.S.No.228 of 2020 dated 23.04.2022 stands confirmed, consequently, the Civil Revision Petition in C.R.P.No.146 of 2023 stands dismissed. However, there shall be no order as to costs.

sha

25.01.2023

Speaking Order

Internet : Yes

Index: Yes



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C.R.P.No.146 of 2023

S.M.SUBRAMANIAM, J.

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Principal District Munsif Court at Kallakurichi.

C.R.P.No.146 of 2023

25.01.2023

5/5