



C.R.P.(MD)No.319 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).No.319 of 2023

1.Dhanalakshmi

2.Vishvarathinam

3.Meenakshi Sundaram

4.Saraboji

5.Sivaji

6.Pushpathammal

... Petitioners

Vs.

1.Balasubramanian

2.Ayyadurai

3.The Sub Registrar,
Irandam Pulikkakadu Register Office,
Pattukottai Circle.

4.The Inspector of Police,
Sethubaavachatiram Police Station,
Peravurani Taluk.

5.The District Collector,

1/5



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District Collectorate,
Vallam Road,
Tanjore District.

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the docket order 20.12.2022, passed by the learned District Munsif Cum Judicial Magistrate Court, Peravurani in Unnumbered Original Suit in O.S.No. of 2022 and further for a direction directing the 20.12.2022, passed by the learned District Munsif Cum Judicial Magistrate Court, Peravurani in unnumbered Original Suit in O.S.No. of 2022 to number the same.

For Petitioner :Mr.S.Rajasekar

ORDER

The present Civil Revision Petition has been filed challenging the return order passed by the learned District Munsif cum Judicial Magistrate, Peravurani, refusing to number the suit on the ground that the fourth and fifth defendants are not necessary parties and no prayer has been sought for as against them.

2. A perusal of the prayer in the plaint indicates that the plaintiff seeks for declaration that the decree obtained by the first and second



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defendants in O.S.No.125 of 2022 is not binding upon the plaintiffs and for a further prayer for a permanent injunction that the first defendant should not disturb the peaceful possession and enjoyment of the plaintiff in the suit scheduled property.

3.A perusal of the aforesaid prayer would clearly indicate that the fourth and fifth defendants are not necessary parties to adjudicate upon the prayer sought for by the plaintiff. Therefore, the return order passed by the learned District Munsif cum Judicial Magistrate, Peravurani, is hereby sustained and the plaintiff shall delete the names of the fourth and fifth defendants and re-present the plaint.

4. However, the learned counsel for the revision petitioner submits that he will include a prayer seeking relief as against the third defendant and re-present the plaint. It is for the learned District Munsif cum Judicial Magistrate, Peravurani, to consider the said prayer and pass orders on merits.



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5. With the above directions, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

09.02.2023

Index :Yes / No
Internet :Yes / No
Speaking Order/Non-Speaking Order

sbm

To

The Additional District Munsif cum Judicial Magistrate,
Peravurani.

Note:

Registry is directed to return the Original Complaint to the learned counsel for the petitioner.



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R.VIJAYAKUMAR ,J.

sbn

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