



CRP(MD).No.440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.440 of 2023
and
C.M.P(MD).No.2107 of 2023

K.Saminathan .. Petitioner/Petitioner/Proposed Plaintiff

Vs.

1.Mohan
2.Akilambal ... Respondents/Respondents/Defendants1 & 2

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 11.10.2022 made in I.A.No.5 of 2022 in O.S.No.211 of 2006 on the file of the Additional District Munsif, Lalgudi.

For Petitioner : Mr.Raguvaran Gopalan

ORDER

A third party to a suit in O.S.No.211 of 2006 seeking for permanent injunction had filed an application in I.A.No.5 of 2022 to get himself impleaded in the suit and the said application has been dismissed.



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2. The said suit has been filed by a registered cultivating tenant as against the owner and a third party seeking permanent injunction. The proposed party, who is the revision petitioner herein, is the son of the plaintiff and according to the revision petitioner, the original plaintiff has executed a made over document on 23.08.2022 in his favour and so, he wants to get himself impleaded as the second plaintiff in the suit. The said application has been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

3. According to the learned counsel for the petitioner, his mother is aged around 60 years and hence, in order to take care of the suit, she had already executed a made over document in his favour and as on today, he is the cultivating tenant.

4. The learned trial Judge has rightly found that the made over document has been executed very recently on 23.08.2022 and the suit is pending from the year 2006 onwards. The proposed party is always at liberty to take care of the suit on behalf of his mother and therefore, he is not a necessary party to be impleaded as a second plaintiff. In view of the fact that the original plaintiff alone is the registered cultivating tenant



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and the proposed party is not a registered cultivating tenant, I do not find any infirmity in the order passed by the trial Court. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.02.2023

Index : Yes / No
Internet : Yes / No
Rmk

To
The Additional District Munsif, Lalgudi.



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R.VIJAYAKUMAR ,J.,

Rmk

Order made in
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