



C.R.P(MD).No.788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.788 of 2023

and

C.M.P(MD).No.3639 of 2023

1.Thanislus
2.Devashayam

... Petitioners/Petitioners/Defendants

Vs.

Amaladhas

... Respondent/Respondent/Plaintiff

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.5 of 2021 in O.S.No.33 of 2019 on the file of the Principal District Munsif Court, Kuzhithurai, dated 10.01.2023.

For petitioners : Mr.S.C.Herold Singh

ORDER

The petitioners are the defendants in O.S.No.33 of 2019 before the Principal District Munsif Court, Kuzhithurai. The suit has been filed by the respondent/plaintiff for permanent injunction and restraining the petitioners and their agents from causing any obstruction in the plaint schedule road. At



C.R.P(MD).No.788 of 2023

the time of trial, the petitioners/defendants filed I.A.No.5 of 2021 to implead Arumanai Town Panchayat, represented by its Executive Officer, Arumanai, Arumani Village, Vilavancode Taluk, Kanyakumari District, as the third defendant in the suit. The said application has been rejected by the lower Court stating that there is no relief sought against the Panchayat and therefore, the Panchayat neither necessary party nor a proper party.

2. On perusal of the plaint filed by the plaintiff in O.S.No.33 of 2019, the application filed by the defendants for impleading the Executive Officer of Arumani Town Panchayat and the impugned order passed by the lower Court, in my view, the order passed by the lower Court does not require any interference. The suit is against the petitioners, who are the defendants in the above suit. In any event, if the petitioners feels that the suit is not maintainable, it is always open to them to file an appropriate application for summoning the Executive Officer of the aforesaid Panchayat. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioners to move an appropriate application under Order 16 of the Code of Civil Procedure, notwithstanding the fact that the trial was commenced. However, the trial Court shall endeavour to dispose of the suit in O.S.No.33 of 2019, as expeditiously as possible, preferably within a period of **six** months from the



C.R.P(MD).No.788 of 2023

date of receipt of a copy of this order. No costs. Consequently, connected
Miscellaneous Petition is closed.

23.03.2023

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The Principal District Munsif, Kuzhithurai.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD).No.788 of 2023

C.SARAVANAN,J.

Rmk

C.R.P(MD).No.788 of 2023

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