



C.R.P.No.397 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.397 of 2024

A.K.Rangasamy @ Brahma
Sri Rangasamy Paramahamsar,
Rep. By his Power Agent A.Subramaniam,
S/o. Arumugham,
No.11, Rangasamy Koil Thottam,
Pachinampathi Kaadu,
Valayankuttai, Alandurai, Coimbatore.

... Petitioner

Vs

1. Marappan
2. Kalichamy
3. Prakash
4. Pechiammal
5. M.C.Raja
6. M.C.Bhuvanesvari

... Respondents



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Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and final order dated 09.11.2023 made in I.A.No.6 of 2023 in O.S.No.30 of 2018 on the file of I Additional Sub-Court, Coimbatore.

For Petitioner : Mr V.Anandhamoorthy

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 09.11.2023 made in I.A.No.6/2023 in O.S.No.30/2018 on the file of I Additional Sub Court, Coimbatore by allowing this Civil Revision Petition.

2. The learned counsel for the petitioner submitted that the petitioner is the plaintiff and the respondents 1 to 4 are defendants 1 to 4 in O.S.No.30 of 2018 on the file of the I Additional Sub Court, Coimbatore. The petitioner/plaintiff had filed the said suit for permanent injunction restraining



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the defendants 1 to 4 from interfering with the peaceful possession and enjoyment and cultivation of the suit property either by trespassing or encroaching into the same. Subsequently, as per order dated 28.10.2022 made in I.A.No.5 of 2022, the plaint was amended including a prayer for declaration declaring that the lands purchased by the plaintiff under the Sale Deed dated 31.10.1994 more fully described in the schedule hereunder is comprised in S.F.No.516/3A of Alandurai Village and not Survey No.516/2 of Alandurai Village. Thereafter, the plaintiff filed an application in I.A.No.6 of 2023 to implead the plaintiff's vendors as defendants, which was dismissed by the Trial Court by passing the impugned order, against which, the present revision has been filed.

3. No representation for the respondents. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. On perusal of records, it reveals that the petitioner/plaintiff has filed the suit in O.S.No.30 of 2018 on the file of the I Additional Sub-Court,



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Coimbatore as against the respondents 1 to 4/defendants 1 to 4 for permanent injunction restraining them from interfering with the plaintiff's peaceful possession and enjoyment and cultivation of the suit property. Subsequently, it was amended including the prayer of declaration to the effect that the suit property is comprised in S.F.No.516/3A of Alandurai Village and not Survey No.516/2 of the same Village. Thereafter, this application in I.A.No.6 of 2023 to implead the respondents 5 & 6 as defendants in the suit has been filed on the ground that the proposed parties had sold the suit properties to the petitioner/plaintiff. The proposed parties being vendors need not be impleaded as parties to the suit. If the plaintiff wants to prove the survey number of the property, he can very well examine the vendor as witness. For that purpose, vendor need not be included as a party to the proceedings and the proposed parties are not necessary parties to adjudicate the dispute before the Trial Court and hence, the Trial Court rightly dismissed the application. Hence, I find no infirmity or irregularity in the impugned order passed by the Trial Court and no ground for interference and I find no merit in this revision.



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5. Accordingly, this Civil Revision Petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

23.02.2024

Index: yes/no
Internet:yes/no
mrp

To

The I Additional Sub Court,
Coimbatore.



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V. SIVAGNANAM, J.

mrp

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