



WEB COPY



C.R.P.(PD).No.1556 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1556 of 2020

N.Santhi

... Petitioner

VS

1.B.Sabarinath

2.Uma Maheswari

3.S.Namagiri

4.S.Ramanan

5.S.Sabariram

6.Chinnadurai

7.S.Arumugham

8.Ramesh

9.D.Sathyanarayana

10.S.Nazmunizha

1/8



C.R.P.(PD).No.1556 of 2020

11.S.Nizamudhin
WEB COPY

12.S.Raseena Nilafur

13.Dowlathneesa

14.S.Dhasleema

15.S.Mustaq Ahamed

16.S.Raffiyama

17.Indira

18.N.Mahendran

19.D.Mahendra Raj

20.The District Collector,
Coimbatore,
Collectorate Campus,
Coimbatore 641 018.

21.The Tahsildar,
Coimbatore North.

22.The District Registrar,
Collectorate Campus,
Coimbatore.

23.The Joint Sub Registrar,
Collectorate Campus,
Coimbatore.

... Respondents



C.R.P.(PD).No.1556 of 2020

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to strike off the plaint in O.S.No.161 of 2015 pending on the file of the District Judge, Coimbatore.

For Petitioner : Mr.K.Balakrishnan

For R5 : Mr.C.Veeraraghavan

For R6 : Mr.T.Govindaraj

For R20 to R23 : Mr.C.Sathish
Government Advocate

For R1, R2, R4,
R6, R7 and R18 : No Appearance

For R8 to R17
and R19 : Not Ready in Notice

ORDER

The Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.161 of 2015 pending on the file of the District Court, Coimbatore.



WEB COPY

2. The respondents 1 and 2 filed a suit for declaration of their title and recovery of possession. The present petitioner was arrayed as 16th defendant in the suit. The petitioner seeks to strike off the plaint mainly on the ground that earlier one S.Chinnadurai filed a suit in O.S.No.1258 of 2013 for a declaration that Sale Deed executed by defendants 3 to 6 therein in favour of the defendants 7 to 11 therein were null and void and for consequential mandatory injunction directing issuance of patta in his favour. The said suit was decreed. Subsequently, the petitioner herein appeared to have purchased the suit property from S.Chinnadurai. Relying on the said judgement passed in O.S.No.1258 of 2013, the revision petitioner has come up with this revision petition seeking to strike off the plaint.

3. It is the case of the petitioner that unless the earlier decree passed in favour of the predecessor-in-interest/S.Chinnadurai in O.S.No.1258 of 2013 is set aside in the manner known to law, the present suit for declaration of title filed by the respondents 1 and 2 is not maintainable. It is also submitted by the learned counsel for the petitioner that the present suit is barred by



C.R.P.(PD).No.1556 of 2020

principles of *res judicata* in view of the decree passed in O.S.No.1258 of 2013.

4. The submission made by the learned counsel for the petitioner is not acceptable to this Court for the simple reason the present plaintiffs namely respondents 1 and 2 were not parties to the earlier suit in O.S.No.1258 of 2013. Therefore, any decree passed in the earlier suit will not operate as *res judicata* against them. Further, when they were not made as a party in the earlier suit, there is no need for them to make a prayer to set aside the decree passed in O.S.No.1258 of 2013.

5. The learned counsel for the petitioner further submitted that the respondents 1 and 2 herein filed an impleading petition in the earlier suit and the same was dismissed by the Court below and the order passed by the Trial Court was confirmed in revision.

6. When impleading petition filed by the respondents 1 and 2 was dismissed in the earlier litigation, the decree passed in earlier suit will not bind



C.R.P.(PD).No.1556 of 2020

the respondents 1 and 2, who were not admittedly made as a party in the earlier suit. Merely because, the impleading application filed by respondents 1 and 2 was dismissed, the decree passed in that suit will not have a binding effect upon interest of the respondents 1 and 2.

7. Therefore, the submission made by the learned counsel for the petitioner is rejected and as a consequence, the Civil Revision Petition stands dismissed. It is open to the petitioner to file written statement and raise all her objections before the Court below. No costs.

24.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.(PD).No.1556 of 2020

To

WEB COPY

- 1.The District Judge,
Coimbatore.
- 2.The District Collector,
Coimbatore,
Collectorate Campus,
Coimbatore 641 018.
- 3.The Tahsildar,
Coimbatore North.
- 4.The District Registrar,
Collectorate Campus,
Coimbatore.
- 5.The Joint Sub Registrar,
Collectorate Campus,
Coimbatore.



WEB COPY



C.R.P.(PD).No.1556 of 2020

S.SOUNTHAR, J.

dm

C.R.P.(PD).No.1556 of 2020

24.01.2024