



C.R.P.(PD)(MD)No.118 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD)No.118 of 2020
and C.M.P.(MD)No.661 of 2020

Jothi Chandrasekaran

... Petitioner

Vs.

1.R.Gomathi

2.R.Ganesan alias Santhanakumar

3.R.Rajaram

4.K.Sudarmathi

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.1 of 2019 in O.S.No.197 of 2018, dated 01.11.2019 on the file of the Principal District Munsif, Trichy.

For Petitioner : Mr.S.Sundar

For Respondents : Mr.A.Prasanna Rajadurai for R4
No Appearance for R2 & R3



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ORDER

This Civil Revision Petition is directed against an order dated 01.11.2019 passed in I.A.No.01 of 2019 in O.S.No.197 of 2018 on the file of the Court of Principal District Munsif, Trichy. The said suit in O.S.No. 197 of 2018 was filed by the respondent No.1 herein against the respondents 2 to 4 herein seeking a permanent injunction in respect of the suit schedule property. The petitioner herein, who is claiming to be in actual and physical possession of the suit schedule property, filed an application in I.A.No.01 of 2019 under Order 1 Rule 10(2) and Section 151 of C.P.C., seeking to come on record as defendant No.4 in the said suit. The said application was dismissed by the learned trial Court, on the ground that the boundaries of the suit schedule property and the property that is being claimed by the petitioner herein are not tallied.

2. The said suit was filed by the respondent No.1/plaintiff alleging that the respondent Nos.2 to 4 herein are interfering with the possession of



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the first respondent /plaintiff. Even in order to succeed in the said suit, the first respondent / plaintiff has to establish her right over the suit scheduled property as well as to bring home the cause of action alleged against the respondent Nos.2 to 4 herein. Even if a decree is passed in the said suit, as sought for by the first respondent / plaintiff also, the said decree would be binding only against the respondent Nos.2 to 4 herein, who are the defendants in the said suit. The said suit can never bind a person, who is not a party to the said suit in particular, the petitioner herein. Therefore, this Court is not inclined to interfere with the order under revision. However, it is made clear that any decree even if passed in the suit in O.S.No.197 of 2018, the same shall not bind the petitioner in any manner or in respect of the property, which is claimed to be in possession of the petitioner herein.

3. Subject to the above observations, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes/No



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MUMMINENI SUDHEER KUMAR, J.

vsm

To

- 1.The Principal District Munsif, Trichy.
- 2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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