



C.R.P(MD)No.317 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No.317 of 2024

and

C.M.P(MD)No.1442 of 2024

1.Karunakaran

2.Ravikumar

...Petitioners

Vs.

1.Thillaieswari

2.Sureshkumar

3.Ramadoss

4.Thillaikalanchiyarajan

5.Rajasekar

6.Ushanandhini

7.Mangaleswari

8.Sakthivel

9.Siyamala

10.The Sub-Registrar,
O/o.Sub-Registrar,
Rameswaram,
Ramanathapuram,
Ramanathapuram District.



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11. The Branch Manager,
Bank of India,
Mandabam Branch,
Ramanathapuram,
Ramanathapuram District.

....Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 04.10.2023 made in I.A.No.Unnumbered of 2022 in O.S.No.123 of 2019 on the file of the Sub Court, Ramanathapuram, Ramanathapuram District by allowing this Civil Revision Petition.

For Petitioner : Mr. D.Balamurugapandi

For R10 : Mr. A.Sivanu Pandian
Government Advocate (Civil)

For R11 : Mr.C.Karthick

ORDER

This Civil Revision Petition is filed to set aside the order dated 04.10.2023 made in I.A.No.Unnumbered of 2022 in O.S.No. 123 of 2019 on the file of the Sub Court, Ramanathapuram, Ramanathapuram District by allowing this Civil Revision Petition.



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2. A suit in O.S.No.123 of 2019 was filed by this petitioners seeking the relief of partition and separate possession. The defendants appeared and filed their written statement also. Pending the further process, they have taken out the petition to implead the proposed 10 and 11 respondents in the suit. That was rejected by the trial Court. Against which this Revision Petition is preferred.

3. In the petition it has been stated by them that the settlement deed dated 28.01.1999 executed by the father in favour of the first defendant and the Will dated 27.10.2014 and further settlement deed dated 13.09.2005 in favour of the fourth respondent and the sale deed dated 08.12.2008 executed in favour of one Sakthivel and Shyamala are required to be cancelled. For that purpose, the Sub Registrar, Ramanathapuram and the Branch Manager, Bank of India are necessary parties.

4. That was resisted by the trial Court stating that for the purpose of deciding the issue, the proposed parties are absolutely



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unnecessary parties. Against which, this Civil Revision Petition has been preferred. In the grounds, it has been stated that since the above said documents are liable to be set aside or cancelled, the Sub Registrar, Ramanathapuram, is necessary party. A portion of the suit property was mortgaged with the Bank of India, Mandabam Branch. Therefore, for a binding adjudication, the Branch Manager, also be added.

5. Absolutely, this Court is at loss to understand the reasoning of this petitioner. The simple suit for partition can be decided on its own merits. Whether the documents mentioned in the petition are liable to be cancelled in the suit. For which the Sub Registrar, Ramanathapuram, is not a necessary party. They have no role to play in the issue also. His presence will not in any way help the Court to record a finding. Similarly, the Branch Manager, Bank of India is also not a necessary party. Simply because some portion of the properties were mortgaged in favour of the Branch, their presence is also not required for any purpose. A party can be



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impleaded only in the event of the fact that their presence is required either for finally disposing the matter between the parties or for deciding the issue. So when we look at the petition, filed by this petitioner from its angle, I am of the considered view that absolutely their presence is not necessary. So I have no reason to interfere into the rejection order of the trial Court.

6. Accordingly, this Civil Revision Petition stands dismissed by confirming the order dated 04.10.2023 made in I.A.No.Unnumbered of 2022 in O.S.No.123 of 2019 by the file of the Sub Court, Ramanathapuram, Ramanathapuram District. No costs. Consequently, connected miscellaneous petition stands closed.

23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G. ILANGO VAN, J.

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To

- 1.The Subordinate Judge, Ramanathapuram,
Ramanathapuram District.
2. Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

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