



C.R.P. (PD)(MD).No.1331 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1331 of 2024

and

C.M.P(MD) No.7691 of 2024

Sathasivam

... Petitioner/Petitioner/
Proposed Defendant

-vs-

1. J.L.Parisha Begam

2. K.B.Byroja Begam

3. V.K.Syed Adudhahir

4. V.K.Mohammed Ansari Ali

... Respondents 1 to 4/
Respondents 1 to 4/
Plaintiffs

R.Eswaran (died)

5. R.Lakshmanan

6. Muthuraj

7. R.Suresh

8. V.Vangalammal

9. V.Baskaran

10. V.Mani



C.R.P. (PD)(MD).No.1331 of 2024

11. Krishnasamy

... Respondents 5 to 11/
Respondents 6 to 12/
Defendants 2 to 8

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 12.01.2024 in I.A.No.07 of 2023 in O.S.No. 78 of 2019 on the file of the Principal District Court, Karur.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents :Mr.V.George Raja
for M/s.Ajmal Associates

ORDER

The present Civil Revision Petition has been filed by the proposed defendant in O.S.No.78 of 2019, on the file of the Principal District Court, Karur, challenging the order, wherein, his request for impleading himself as one of the defendant in the suit has been dismissed.

2. A perusal of the plaint indicates that the suit has been filed for the relief of permanent injunction. The present petitioner has filed I.A.No.7 of 2023, seeking to implead himself in the said suit, on the ground that he had filed a suit for partition in O.S.No.3 of 2024 and the same is pending. The plaintiff in the said suit has filed a counter contending that the proposed party



C.R.P. (PD)(MD).No.1331 of 2024

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is not a necessary party and he does not want a decree for permanent injunction as against him.

3. Considering the fact that, in a suit for permanent injunction, the plaintiff is the *dominus litus*, especially in a case where he does not want a decree for permanent injunction as against the proposed party. In such circumstances, I do not find any merits in this Civil Revision Petition.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Principal District Court,
Karur.



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C.R.P. (PD)(MD).No.1331 of 2024

R.VIJAYAKUMAR,J.

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C.R.P.(PD)(MD)No.1331 of 2024

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