



C.R.P.(MD)No.1922 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1922 of 2024
and
C.M.P.(MD)No.10915 of 2024

1.Jeyaraman
2.Srirangam
3.C.Nilavathi

... Petitioners / Respondent / Defendants 1 to 3

Vs.

S.Seethagaperumal (died)

1.N.Senthilrajan
2.Valli
3.Jeganathan
4.Rajasekar
5.Muthunallammal

6.Manikandan

... Respondents / Petitioners / Plaintiffs

7.The Sub Registrar,
Sub Registrar Office,
Chokkikulam,



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at Rajakambeeram,
Y.Othakadai,
Madurai District.

8.The District Collector,
Madurai.

9.The Member Secretary,
Town and Country Planning,
3rd Floor,
Madurai Corporation Office Complex,
Madurai.

... Respondents / Respondents/
Proposed Defendants 4 & 6

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.04.2024 made in I.A.No. 1 of 2020 in O.S.No.211 of 2016 on the file of the Principal District Munsif Court, Melur, Madurai District and allow this civil revision petition.

For Petitioners : Mr.N.Muthu Vijayan

For Respondent : Mr.K.Balasubramani
Special Government Pleader
for R7 to R9
: no appearance
for R1, R2, R3, R5 & R6

ORDER

Heard the learned counsel appearing for the revision petitioners. The respondents have been served. But they have not chosen to enter appearance.



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2. The suit is for permanent injunction restraining the revision petitioners from interfering with the possession and enjoyment of the plaintiffs. In the said suit, the plaintiffs filed I.A.No.1 of 2020 for impleading the official respondents herein. IA was allowed vide order dated 08.04.2024. Questioning the same, the civil revision petition came to be filed.

3. The learned counsel appearing for the revision petitioners would point out that the defendants ordered to be impleaded are neither proper parties nor interested parties. I endorse the stand of the learned counsel's contentions that R7 to R9 are not necessary parties to the suit considering the nature of the relief sought for in the suit. The court below had proceeded on the premise that by impleading the official respondents herein as defendants, no prejudice will be caused to the original defendants. This is not the test to be applied. Unless the court below comes to the conclusion that proper party had been left out, impleading cannot be mechanically ordered.

4. In this view of the matter, the impugned order is set aside. The Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

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



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G.R.SWAMINATHAN, J.

rmi

To:

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Chokkikulam,
at Rajakambeeram,
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- 2.The District Collector,
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4. The Principal District Munsif Court, Melur, Madurai District.

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