



C.R.P(MD)No.1870 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1870 of 2024
and
C.M.P(MD)No.10582 of 2024

R.Kalamani

... Petitioner /
Petitioner /
3rd Party

Vs.

1.P.Prabakaran

2.P.Arul Vadivel

... Respondents 1, 2 /
Respondents 1, 2 /
Plaintiffs

3.The State represented by
The District Collector,
O/o.Collector Office Complex,
Madurai – 20.

4.The Inspector General of Registration,
O/o.The Registration Department,
100, Santhome Main Road,
Mylapore,
Chennai.



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5.The Deputy Inspector General of
Registration,
Madurai Region,
O/o/Jawan's Building,
West Veli Street,
Madurai – 625 001.

6.The Sub Registrar,
O/o.The Sub Registrar,
Theppakulam,
Sub Registrar Office,
Melamadaï,
Madurai.

... Respondents 3 to 6 /
Respondents 3 to 6 /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair and decretal order dated
25.03.2024 passed in I.A.No.226 of 2019 in O.S.No.94 of 2011 on the
file of District Munsif Court, Melur.

For Petitioner : Mr.R.G.Shankarganesh

For Respondents : Mr.S.Chandrasekaran
for R.1 & R.2

Mr.K.Balasubramani
Special Government Pleader
for R.3 to R.6



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ORDER

Heard both sides.

2.The petitioner herein is a third party to O.S.No.94 of 2011 filed by the respondents 1 and 2 herein. The suit was for permanent injunction restraining the officials of the Registration Department from registering any document in respect of the suit property. The petitioner filed I.A.No. 226 of 2019 under Order 1 Rule 10 of CPC for impleading herself. The IA was dismissed by the Court below vide order dated 25.03.2024 on the ground that the plaintiff as dominant litus is entitled to chose the defendants and that the petitioner has no right as such to get herself impleaded. Challenging the said order, this Civil Revision Petition came to be filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to set aside the impugned order and allow the Civil Revision Petition as prayed for.



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4.The learned counsel appearing for the plaintiff strongly supported the reasons set out in the impugned order.

5.I carefully considered the rival contentions and went through the materials on record.

6.My attention is drawn to the plaint averments. Paragraph 14 of the plaint is as follows:

“XIV. It is further submitted that while things being so, on 06.01.2011 when the plaintiff applied for an encumbrance certificate with the concerned Sub-Registrar in respect of the schedule mentioned property. The encumbrance certificate dated 06.01.2011 bearing Certificate No.105 found 2 entries. The first entry relates to registered settlement deed dated 09.06.2010 and registered as Document No.2090/2010 executed by V.S.M.G.Manohar @ Manoharan in favour of V.S.M.G.Jothiharan in respect of the schedule mentioned property. The second entry relates to a registered sale deed dated 20.12.2010 and registered as Doc.No.5173/2010 executed by V.S.M.G.Jothiharan and V.S.M.J.Saram in favour of R.Kalamani.”



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The petitioner's name is clearly referred to in the plaint. The sale deed executed in her favour has been assailed. Therefore, the petitioner is definitely a person interested in the subject matter. The Court below ought to have allowed the IA.

7.If the suit is decreed, certainly it will affect the revision petitioner's rights and interests. Since the petitioner has demonstrated her interest in the subject matter, the impugned order is set aside. Now that the petitioner has been impleaded as a defendants in the suit, she is at liberty to file written statement. The revision petitioner shall file a written statement on or before 13.09.2024. The plaintiffs shall file a reply statement on or before 30.09.2024. Issues shall be framed within two weeks thereafter. The trial itself shall be completed and suit shall be disposed of in accordance with law within a period of four months thereafter. I am constrained to issue the direction considering the fact that suit was instituted way back in the year 2011.



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8.This Civil Revision Petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

09.08.2024

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

To

- 1.The District Collector,
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Madurai – 20.
- 2.The Inspector General of Registration,
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- 4.The Sub Registrar,
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G.R.SWAMINATHAN, J.

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Copy to

District Munsif Court, Melur.

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and

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