



C.R.P.(MD)No.2222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2222 of 2023

and

C.M.P.(MD)Nos.11385 & 16565 of 2023

Tamilselvi

... Petitioner / 1st Petitioner / 1st Plaintiff

Vellaiammal (Died)

Vs.

1.Bathrakali

2.Anandan

3.Raja

4.Govindharaju ... Respondents 1 to 4 / Respondents 1 to 4 / Defendants

5.The Tahsildar,
Tahsildar Office,
Srivilliputhur,
Virudhunagar District.

6.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

7.The District Revenue Officer,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.



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8. The District Collector,
Collectorate Campus,
Virudhuangar District,
Virudhunagar.

... Respondents 5 to 8 / Proposed Respondents 5 to 8/
Proposed Respondents 5 to 8

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records of the order passed in I.A.No.3 of 2022 in O.S.No. 19 of 2012 dated 02.01.2023 on the file of the District Munsif Court cum Judicial Magistrate Court No.1, Srivilliputhur, Virudhuangar District and set aside the same and consequently allow the civil revision petition.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.S.Ponsaravanan
for R1 & R2

ORDER

Herd both sides.

2. The plaintiff in O.S.No.19 of 2012 on the file of the District Munsif Court, Srivilliputhur is the revision petitioner herein. The suit is for declaration and permanent injunction and mandatory injunction. The plaintiff filed I.A.No. 3 of 2022 for impleading R5 to R8 herein. IA was dismissed vide order dated 02.01.2023. Questioning the same, this civil revision petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds of revision.

4. I am not swayed by the same. As rightly pointed out by the court below as well as the learned counsel appearing for the contesting respondents, R5 to R8 herein are neither proper nor necessary parties to the suit. No relief is claimed against them. The contest is essentially between the plaintiffs on the one hand and D1 to D4 on the other. If according to the plaintiff, the evidence of municipal or the revenue authority is relevant and necessary, they can always be examined as witnesses for the purpose of securing their testimony. It is not necessary to implead them as parties. The court below has given convincing and solid reasons for dismissing IA. Interference is not warranted. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.09.2024

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



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G.R.SWAMINATHAN, J.

rmi

To:

The District Munsif Court cum
Judicial Magistrate Court No.1,
Srivilliputhur, Virudhuangar District.

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