



CRP(PD)(MD).No.2322 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

C.R.P(PD)(MD)No.2322 of 2024 and  
CMP(MD).Nos.13171 of 2024

S.Deepak

: Revision Petitioner

Vs.

1.Selvi  
2.Muthusamy  
3.A.Anbuselvam  
4.Ashok Kumar

5.The District Collector,  
Trichirappalli District.

6.The District Registrar,  
District Register Office Cantonment,  
Trichy – 620 001

7.The Sub Registrar,  
Musiri Office,  
Musiri, Trichy District.

8.The Sub Registrar,  
Sub Registrar officer,  
Thathaiyangarpettai,  
Trichy District.

: Respondents



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**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.391 of 2023 on the file of the Sub Court at Musiri, dated 27.04.2024.

|                                |                               |
|--------------------------------|-------------------------------|
| For Petitioner                 | : Mr.C.Vakeeswaran            |
| For respondents 1 to 3         | : Mr.G.Sridharan              |
| For respondents 5 to 8         | : Mr.B.Saravanan              |
|                                | Additional Government Pleader |
| For 4 <sup>th</sup> respondent | : No appearance               |

### **ORDER**

This Civil Revision Petition is filed against the fair and decreetal order, date 27.04.2024 passed in I.A.No.3 of 2023 in O.S.No.391 of 2023 on the file of the Sub Court at Musiri.

2. The revision petitioner as the plaintiff filed the above suit in O.S.No.391 of 2023 on the file of the Sub Court at Musiri for declaration of title and for consequential relief. During the pendency of the said suit, the revision petitioner took out an application in I.A.No.3 of 2023 for amending the cause title to include the name of the Sub Registrar, Thathaiyangarpetti, Trichy District instead of the Sub Registrar, Musiri



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Office, Musiri, Trichy District as 7<sup>th</sup> defendant in the said suit and the said application was resisted on the side respondents / defendants by way of filing a counter in which it is stated that the Government Officials has to be arrayed as a party to the suit in the official capacity and notice under Section 80(1) CPC is mandatory and therefore, the present application filed under Order 6 Rule 17 CPC is not maintainable and the same is liable to be dismissed.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The trial Court considering the petition and counter averments and the arguments advanced on either side dismissed the said application stating that the said application is not maintainable and that notice under Section 80(1) CPC is mandatory and only after expiry of 60 days, the application under Order 1 Rule 10 CPC has to be taken out. It is further stated that only after allowing the impleading application amendment application can be filed and therefore, the order passed by the trial Court is correct. As per Order 1 Rule 10(2) and (4) CPC whereas the suit has been instituted in the name of wrong person, the plaintiff ought to have filed an



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application under Order 1 Rule 10 (2) CPC to strike off the name of the person wrongly added as a party and join the proper party in the plaint and thereafter, under Order 1 Rule 10(4) CPC the plaintiff ought to have filed an application under the said Proviso for amending the plaint. It would be a correct procedure to be followed in the said case. Therefore, this Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Civil Revision Petition is dismissed. However, the petitioner is given liberty to file an appropriate application before the trial Court. No costs. Consequently, the connected Miscellaneous Petition is closed.

11.11.2024

Index : Yes / No  
Internet : Yes/ No  
trp



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**K. GOVINDARAJAN THILAKAVADI, J.,**

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