



C.R.P.(MD)No.1993 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.1993 of 2017
and
C.M.P.(MD)No.10034 of 2017

Muthaian

... Petitioner

Vs.

1. Kannan

2. Mahadiya Beevi

3. Humayun Kabir

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the fair and decreetal order passed in I.A.No.206 of 2015 in O.S.No.80 of 2011 on the file of the 1st Additional District Munsif, Kumbakonam dated 20.02.2017.

For Petitioner : Mr.V.Chandrasekar

For R1 : Mr.B.Anandan

For R2 & R3 : No appearance



C.R.P.(MD)No.1993 of 2017

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ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.206 of 2015 in O.S.No.80 of 2011 dated 20.02.2017 on the file of the I Additional District Munsif Court, Kumbakonam, allowing the application filed under Order 1 Rule 10(2) C.P.C.

2. The revision petitioner as plaintiff has filed a suit in O.S.No.80 of 2011 claiming permanent injunction restraining the defendants therein from any manner interfering with the revision petitioner/plaintiff's peaceful possession and enjoyment of the suit property and from evicting him from the suit property without due process of law. Pending suit, the first respondent, who is a third party to the suit, has filed an application in I.A.No.206 of 2015 to implead him alleging that he purchased the suit property on 28.04.2011. The revision petitioner/plaintiff has filed a counter statement raising objections. The learned District Munsif, after enquiry, has passed the impugned order allowing the application. Aggrieved by the said order, the plaintiff has preferred the present revision.



C.R.P.(MD)No.1993 of 2017

WEB COPY

3. It is pertinent to note that the respondents 2 and 3/defendants, who were made parties as respondents 2 and 3 in the impleading application, have not raised any objection. As already pointed out, the revision petitioner/plaintiff has only filed the above suit for permanent injunction on the basis that he is a cultivating tenant in the suit property. The first respondent/third party has filed the impleading application claiming that he has purchased a portion of the suit property and only on that basis, he has filed the impleading application. The learned District Munsif, by observing that the respondents 2 and 3/defendants have not raised any objection and also taking note of the fact that the first respondent/third party has purchased the property in the year 2011 itself, has rightly allowed the application.

4. Considering the entire facts and circumstances, the impugned order allowing the application filed under Order 1 Rule 10(2) C.P.C. cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

5. In the result, this Civil Revision Petition is dismissed. Since the suit is pending from 2011 onwards, the learned I Additional District



C.R.P.(MD)No.1993 of 2017

Munsif, Kumbakonam, is hereby directed to complete the trial in O.S.No. 80 of 2011 and dispose of the same within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

19.02.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The I Additional District Munsif Court,
Kumbakonam.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.1993 of 2017
and
C.M.P.(MD)No.10034 of 2017

Dated : 19.02.2024