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CRP NO.1573 OF 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 07 / 10 / 2025

ORDER PRONOUNCED ON : 09 / 12 / 2025

CORAM:

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRP NO.1573 OF 2022

AND

CMP NO.7938 OF 2022

Selladurai
Kattukottai,
Siruvankur Village,
Kallakurichi Taluk,
Kallakurichi District.

... Petitioner / Petitioner /
Proposed 7th Defendant

Versus

1.Sakthivel
No.24 G, Katchery Road,
Kaspa Kallakurichi Town,
Kallakurichi Taluk,
Kallakurichi District.

... 1st Respondent /
1st Respondent /
Plaintiff

2.Ponnammal,
No.24, Ja.Endhal Village,
Vappur Taluk,
Cuddalore District.

3.Rajasekar,
No.28, Pillaiyar Kovil Street,
Kaspa Sangarapuram Town,



CRP NO.1573 OF 2022

Sangarapuram Taluk,
Kallakurichi District.

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4.District Collector,
Kaspa Kallakurichi Collectorate Office,
Kallakurichi District.

5.Sub Collector,
Kaspa Kallakurichi Office,
Kallakurichi Taluk,
Kallakurichi District.

6.Revenue Thasildar,
Kallakurichi Taluk,
Kallakurichi District.

7.Village Administrative Officer,
Neelamangalam Village,
Kallakurichi Town & District.

... Respondents 2 to 7 /
Respondents 2 to 7 /
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Fair and Decreetal Order dated December 02, 2021 in I.A.No.1109 of 2021 in O.S.No.149 of 2021 passed by the II Additional District Munsif Court, Kallakurichi.

For Petitioner	:	Ms.R.Divya Preathika
For Respondent-1	:	Mr.M.Venkatesh for Mr.R.Jaya Prakash
For Respondents 2&4	:	Served – No appearance
For Respondent-3	:	Given up

Page No.2 of 9



WEB COPY



CRP NO.1573 OF 2022

For Respondents 4 to 7 : Mr.B.Tamil Nidhi
Additional Government Pleader

ORDER

The Revision Petitioner filed an Interlocutory Application in I.A.No.1109 of 2021 under Order I Rule 10 (2) of 'the Code of Civil Procedure, 1908' ('CPC') in O.S.No.149 of 2021 on the file of 'the II Additional District Munsif Court, Kallakurichi' ['Trial Court' for short] praying to implead him as seventh defendant in the said Suit. The Trial Court dismissed the said Interlocutory Application. Feeling aggrieved by the dismissal Order, the Revision Petitioner has preferred this Civil Revision Petition under Article 227 of the Constitution of India, 1950.

2. The First Respondent herein is the Plaintiff and the Respondent Nos.2 to 7 herein are the Defendants in O.S.No.149 of 2021. The First Respondent / plaintiff filed the aforesaid Original Suit praying for Injunction restraining Respondent Nos.1 and 2 from interfering with his peaceful possession and enjoyment of the Suit Property and also seeking injunction against Respondent Nos.3 to 6 (Official Respondents) not to make entries in the Field Measurement Book (FMB) contrary to his Sale



Deed dated April 3, 2017. The said Suit was filed on August 11, 2021.

The Trial Court issued summons to the defendants for appearance on September 6, 2021.

3. The case of the Revision Petitioner is that he purchased an extent of 17 Cents within specified four boundaries in Survey No.137/8A (New Survey No.137/8A2A) from the second respondent/first defendant – Pounammal vide Sale Deed dated August 26, 2021 i.e., before the first hearing of the Suit. The plaintiff filed the aforesaid Original Suit including the revision petitioner's property in the Suit description of property and sought an injunction. If any injunction is passed, it will cause prejudice to his rights over his property. Accordingly, now his presence is necessary to decide the matter effectively. Accordingly, he sought to allow the Interlocutory Application filed under Order I Rule 10(2) of CPC.

4. The Trial Court dismissed the Interlocutory Application reasoning out that the petitioner is a *pendente lite* purchaser and he is not a necessary party to the Suit. Feeling aggrieved by the same, he has filed this Civil Revision Petition under Article 227 of the Constitution of India,



CRP NO.1573 OF 2022

1950.

WEB COPY

5. Ms.R.Divya Preathika, learned Counsel appearing for the Revision Petitioner would submit that the Trial Court did not appreciate the entire facts and circumstances in a proper manner. The Plaintiff has no right in the entire Suit Property. The Suit description of property is wrong. The Plaintiff included the Revision Petitioner's property in the Suit description of property so as to cause prejudice to the Revision Petitioner. Further, the learned Counsel drew attention of this Court to Plaint Prayer No.(2) and submits that to decide the relief sought therein, the Revision Petitioner is a necessary party. If Prayer No.(2) is granted as prayed for by the Plaintiff, it will cause prejudice to the right of the Revision Petitioner. Accordingly, she would pray to allow this Civil Revision Petition.

6. In response to the above arguments, Mr.M.Venkatesh appearing on behalf of Mr.R.Jayaprakash, learned Counsel on record for the First Respondent / Plaintiff would argue that the Revision Petitioner is not a necessary party to the Suit. The Suit is one for injunction simpliciter and the Plaintiff being the *dominus litis* does not seek any relief against the Revision Petitioner, in these circumstances, the Revision Petitioner is not



a necessary party to the Suit. The Trial Court rightly appreciated the facts and circumstances and dismissed the Interlocutory Application. There is no warrant to interfere with it. Accordingly, he would pray to dismiss the Civil Revision Petition.

7. Mr.B.Tamil Nidhi, learned Additional Government Pleader, appearing for the Respondent Nos.4 to 7 would submit that the Respondent Nos.4 to 7 will abide any Order that will be passed by this Court.

8. This Court has considered both sides' submissions and perused the materials available on record.

9. In a Suit for bare injunction, it is true that the Plaintiff is the *dominus litis* and he alone could choose the Defendants. In this case, as far as the first prayer *qua* permanent injunction in respect of suit property is concerned, the Revision Petitioner is not a necessary party. However he is a necessary party *qua* the second prayer which is for injunction against Respondent Nos.3 to 6 (Official Respondents) not to make entries in the Field Measurement Book (FMB) contrary to his Sale Deed dated April 3, 2017. If the Trial Court grants the second prayer, it will definitely cause



CRP NO.1573 OF 2022

prejudice to the Revision Petitioner's rights over the Suit Property. The Suit was filed on August 11, 2021 and the Revision Petitioner purchased the Suit Property from the First Defendant on August 26, 2021 *i.e.*, before the first hearing of the Suit. In these circumstances, this Court is of the considered view that to avoid multiplicity of proceedings, to decide the matter on merits and for effective adjudication and to render complete justice, the Revision Petitioner is a necessary party to the Suit. Hence, this Court is inclined to allow the Revision Petition.

10. Accordingly, this Civil Revision Petition is allowed and the Order passed by the Trial Court in I.A.No.1109 of 2021 is set aside and consequently I.A.No.1109 of 2021 is allowed. Considering the facts and circumstances, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed

09 / 12 / 2025

Index : Yes
Neutral Citation : Yes
Speaking Order : Yes

TK / pam



CRP NO.1573 OF 2022

WEB COPY

To

1.The II Additional District and Munsif Court,
Kallakurichi.

2.District Collector,
Kaspa Kallakurichi Collectorate Office,
Kallakurichi District.

3.Sub Collector,
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WEB COPY



CRP NO.1573 OF 2022

R. SAKTHIVEL, J.

TK / pam

PRE-DELIVERY ORDER MADE IN

CRP NO.1573 OF 2022

09/12/2025

Page No.9 of 9