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CRP. No.2169 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. No.2169 of 2024

and CMP. No.11565 of 2024

V.Arumugam

Petitioner(s)

Vs

1.Ramesh
2.Paramasivam
3.Mani
4.Rajendhiran
5.Senthilkumari
6.Geetha

Respondent(s)

PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A. No.155 of 2023 in O.S. No.51 of 2022 by the II Additional District Munsif Court, Vridhachalam.

For Petitioner : Mr.E.Manikandan

For Respondents : Mr.V.Rajeshbabu for R1

ORDER

The revision petition is at the instance of the first defendant, aggrieved by order of dismissal of I.A. No.155 of 2023 in O.S. No.51 of 2022 before the II Additional District Munsif Court, Vridhachalam. The said Application was taken out under Order I Rule 10 of CPC for

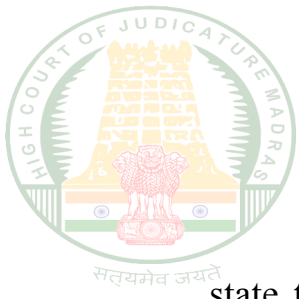


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impleading certain proposed parties as defendants 7 to 11, on the ground that they are proper and necessary parties to the suit. The proposed parties themselves came before the Court and expressed their unwillingness to be impleaded as parties to the suit. The Trial Court thereafter on enquiry, has dismissed the Application holding that the suit is one for declaration and permanent injunction and the plaintiff cannot be compelled to prosecute the suit against the persons whom he does not want to contest the suit and holding that the plaintiff being *dominus litus*, the Application cannot be entertained.

2. Heard learned counsel for the petitioner as well as the learned counsel for the first respondent.

3. The learned counsel for the petitioner would submit that the parties who were proposed to be impleaded are relatives of the plaintiff, who are beneficiaries under the settlement deed, contrary to which, the plaintiff is attempting to obtain relief against the proposed defendants. He would therefore state that the Trial Court ought to have allowed the Application in the interest of justice.



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4. Per contra, the learned counsel for the first respondent would state that the Trial Court has rightly dismissed the Application finding that the plaintiff is *dominus litus* and no interference is warranted in the order passed by the Trial Court.

5. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order that is impugned in the present Civil Revision Petition.

6. I find that the Trial Court has given valid reasons for dismissing the Application under Order I Rule 10 of CPC, finding that the proposed parties are neither proper nor necessary parties for deciding the suit. Additionally, the Court has also held that when the plaintiff, as *dominus litus*, does not intend to contest the suit against the proposed parties, the plaintiff cannot be compelled to do so. Moreover, the proposed parties themselves have only sailed with the plaintiff and had objected to their impleadment.



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P.B.BALAJI, J.,

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7. In view of the above, I do not find any infirmity or perversity in the order passed by the Trial Court and no merits in the Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. The learned counsel for the petitioner would seek for expeditious disposal of the suit. Considering for the suit is of the year 2022, the learned II Additional District Munsif (FAC), Vridhachalam shall expedite the trial and dispose of the suit within a period of six (6) months from the date of receipt of the copy of the order. No costs. Connected Miscellaneous Petition is also closed.

27.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The II Additional District Munsif Court,
Vridhachalam.

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