



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2379 of 2025

& CMP.No.13774 of 2025

1.R.Jayakumar
2.B.Venkatachalapathy
3.S.Venkatachalapathy
4.S.Perumal
5.J.Narasimmalu
6.R.Perumal
7.D.Krishna

... Petitioners

Vs.

1.J.Ramanathan
2.S.Veeraragavan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 12.11.2024 in I.A.No.454 of 2023 in O.S.No.382 of 2023 pending on the file of the II Additional Subordinate Judge, Villupuram.

For Petitioners : Mr.M.Velmurugan

For Respondents : Mr.C.Vasudevan for R1



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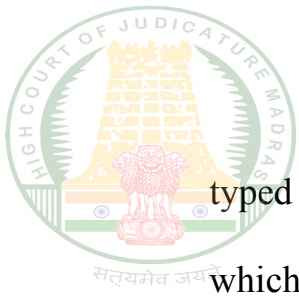
ORDER

The Civil Revision Petition has been preferred to set aside the fair and decreetal order dated 12.11.2024 in I.A.No.454 of 2023 in O.S.No.382 of 2023 pending on the file of the II Additional Subordinate Judge, Villupuram.

2.The third parties, who were unsuccessfully attempting to implead themselves in O.S.No.382 of 2023 before the II Additional Subordinate Judge at Villupuram, are the revision petitioners herein.

3.Heard Mr.M.Velmurugan, learned counsel for the petitioners and Mr.S.Vasudevan, learned counsel for the 1st respondent/plaintiff.

4.The learned counsel for the petitioners states that the only ground on which the Trial Court has dismissed the application to implead is that the petitioners have not been able to adduce satisfactory documentary evidence in respect of their interest in the suit property. The learned counsel for the petitioners would further state that now the petitioners are possessed of sufficient documents and the said documents are also filed along with the



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typed set of papers. He would also invite my attention to certain documents which are now enclosed for the first time along with the typed set of paper in this revision. One of the documents that is referred is a complaint with the police officials lodged by one Jayaprakash on 02.04.2023. However, I find that the said Jayaprakash is not even a party who was sought to be impleaded in I.A.No.454 of 2023. The learned counsel would further state that the 1st respondent has made false allegations and averments in the plaint, as if the electricity supply stands in his name whereas the electricity supply stands in the name of the temple.

5. Admittedly, the suit is one for permanent injunction to restrain the defendant from interfering with the plaintiff's possession and enjoyment of the temple. A ground urged by the proposed parties are defendant who is already arrayed as a party in the suit. The suit has been filed on a specific cause of action as against the defendant. As *dominus litis*, the plaintiff cannot be compelled to litigate against the parties, against whom the plaintiff, is not intended to pursue any litigation. In any event, any decree, even if any, obtained by the plaintiff, would not bind the revision petitioners, who sought to unsuccessfully implead themselves in the suit. I



don not find any infirmity in the order dismissing the application to implead
the petitioners as party to the suit.

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6.In fine, the Civil Revision Petition is dismissed. There shall be no
order as to costs. Connected Civil Miscellaneous Petition is closed.

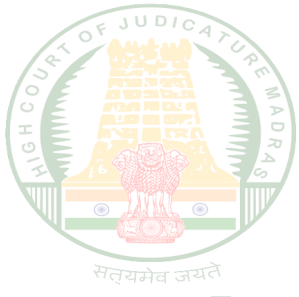
19.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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To
The II Additional Subordinate Judge, Villupuram.



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P.B. BALAJI,J.

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