



WEB COPY

CRP No. 2597 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 2597 of 2025

AND

CMP NO. 14730 OF 2025

1. Jayaprakashvel
S/o. Sundarajan, Res. at Kizhsevr
Village, Tindivanam Taluk, Villupuram
District.

2. Saravanan
S/o. Sundarajan, Res. at Kizhsevr
Village, Tindivanam Taluk, Villupuram
District.

Petitioner(s)

Vs

1. Arivoli
S/o. Parasuraman, Res. at No. 64,
Appasami Nagar, Tindivanam,
Viluppuram District.

2.Kamatchi
W/o. Arivoli, Res. At No. 64, Appasami
Nagar, Tindivanam, Viluppuram
District.



3.Elamathi

W/o. Mathiazagan, Res. At No. 3/29,
2nd Main Road, Thangal,
Thaiyagaroyapuram, Thiruvottriyur,
Chennai.

4.Elakiyamathy

D/o. Mathiazagan, Res. At No. 3/29,
2nd Main Road, Thangal,
Thaiyagaroyapuram, Thiruvottriyur,
Chennai.

Respondent(s)

PRAYER

This civil revision petition is filed under Article 227 of the Constitution of India praying to set aside the Fair Order and Decreetal order passed in IA No. 164 of 2024 in OS No. 438 of 2008 dated 22.03.2025 by the Learned Judge Additional District Munsif Court at Thindvanam and consequently allow the relief sought for and pass such further or other orders as this Honble Court.

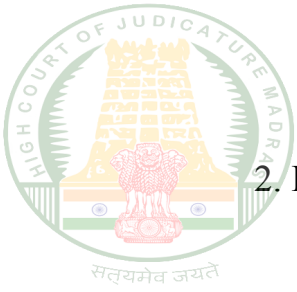
For Petitioner(s): Mr.P.Sureshbabu

For Respondent(s): Mr.K.Kannan for RR1 and 2

No appearance for RR3 and 4

ORDER

At the instance of the plaintiffs, challenging the dismissal of their application seeking the impleadment of respondents 3 and 4 as defendants 3 and 4 in the suit, the present revision has been filed.



2. Heard the learned counsel for parties.

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3. The learned counsel for the petitioner submits that the defendants 1 and 2 have purchased the property from the legal heirs of the brother of the father of the plaintiffs. In order to avoid further litigation cropping up, the plaintiffs have sought to implead the vendors of defendants 1 and 2, namely defendants 3 and 4. The learned counsel would further state that the suit is one for declaration of title and therefore, the proposed defendants are proper and necessary parties and they are also closely related to the plaintiffs and parties to the suit. The learned counsel would therefore state that the trial Court erroneously dismissed the application and the same requires to be interfered with in this revision.

4. Per contra, the learned counsel for the respondents 1 and 2 states that the suit has been filed in the year 2008 and at the stage of arguments, the application has been taken out for impleading the defendants 3 and 4. He would further state that the presence of defendants 3 and 4 is not at all necessary for adjudication of the issue that has arisen for consideration in the suit. The trial Court found that the defendants 3 and 4 are not proper and necessary parties and dismissed the application, against which the present revision has been filed.



WEB COPY 5. The proposed parties have been served before this Court in the revision and they have not chosen to enter an appearance, either in person or through counsel.

6. On going through the plaint, I find that the suit is for declaration and injunction and the entire allegation has been made only against the defendants. There is no basis or ground made out for the impleadment of defendants 3 and 4 from a careful reading of the plaint. Merely because the defendants 1 and 2 have purchased the property from the defendants 3 and 4, it would not automatically give a right to implead the vendors of defendants 1 and 2, who would not automatically become proper and necessary parties.

7. The trial Court has rightly discussed all the issues and held that the proposed parties are neither necessary nor proper to adjudicate the issue that has arisen for consideration in the suit. The trial Court has also found that the suit has been pending since 2008 and the application has been taken at a very belated stage; I do not find any perversity or illegality in the findings arrived at



by the trial Court, dismissing the application for impleading. The order of the trial Court is well reasoned and does not require interference.

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8. In the result, the Civil Revision Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

24-07-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judge Additional District Munsif Court at Thindvanam.



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P.B.BALAJI J.

jrs

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