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CRP No. 2911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRP. No. 2911 of 2022
and
CMP. Nos.15815 & 18188 of 2022

1. Rathinavel
Vellala Street, Ariyalur Taluk,
Ariyalur District.
2. Kalyani
Vellala Street, Ariyalur Taluk,
Ariyalur District.

...Petitioners/Petitioners 3 &4/
Plaintiffs 3 & 4

Versus



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1. Sathu @ Santhappan
Vellala Street,
Ariyalur Taluk & District.

...1st Respondent/ 2nd Petitioner/
2nd Plaintiff

2. Elangovan
Sambasivam Pillai Street,
Ariyalur Taluk & District.

Govindaraju (Died)

3. Junior Engineer (O& M)
Tamilnadu Electricity Board,
Ariyalur.

...Respondents 2 & 3/
Respondents 1 to 3
/ Defendants

4. Anbalagan
Servaikkara Street,
Ariyalur Taluk & District.

5. Boopathy
Servaikkara Street,
Ariyalur Taluk & District.

6. Jeeva
Rajaji Nagar,
Ariyalur Taluk & District.

7. Rani
Reddiyarkulam Vadakarai
Kumbakonam
Thanjavur District.

8. Pandian
Servaikkara Street,
Ariyalur Taluk & District.

9. Stalin
Servaikkara Street,
Ariyalur Taluk & District.

...Respondents 4 to 9 / Respondents 4 to 9/
Proposed Defendants 4 to 9



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PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, 1950, praying to set aside the fair and decreetal order dated July 15, 2022 passed in I.A.No.3 of 2020 in O.S.No.214 of 2012 on the file of the Additional District Munsif, Ariyalur.

For Petitioner(s) : Mr.Navaneetha Krishan
for Mr.S.Kamadevan

For Respondent(s) : R1, R3 to R9- Served- No Appearance

R2 - Dismissed vide order of this Court dated
November 20, 2025.

ORDER

Feeling aggrieved by the dismissal order passed by “the learned Additional District Munsif, Ariyalur” (“Trial Court” for convenience) in the Interlocutory Application filed under Order XXII Rule 4 read with Section 151 of “the Code of Civil Procedure, 1908” (“CPC” for short) in I.A. No.3 of 2020 in O.S. No.214 of 2012 on July 15, 2022, the petitioners 3 & 4 therein have filed this Civil Revision Petition.



2. For the sake of convenience and clarity, the parties will be referred to as per their array in the Original Suit.

3. The Suit in O.S.No.214 of 2012 was originally filed seeking a decree of permanent injunction restraining the defendants from interfering with the plaintiffs' peaceful possession of the suit property and not to evict them. The defendants 1 and 3 entered appearance and filed their written statements. According to the plaintiffs, they are the tenants under the second defendant namely Govindaraju by virtue of a lease deed and the plaintiffs were accordingly paying monthly rents; that the first defendant without any valid title or right over the suit property, is taking steps to evict the plaintiffs and further, in collusion with the third defendant trying to cut down the electricity connections laid in the suit property.

4. During the pendency of the Suit, the second defendant passed away on January 24, 2020 leaving behind the proposed defendants 4 to 9 as his legal heirs. Therefore, the plaintiffs filed an Interlocutory Application under Order XXII Rule 4 of CPC, praying to implead the respondents 4 to 9 as defendants 4 to 9 in the Suit. After hearing both sides, the Trial Court dismissed the Interlocutory Application on the ground that the respondents 4 to 9 are not necessary parties as the second respondent did not possess a valid title. Feeling aggrieved over the same, the petitioners 3 & 4 therein are before this Court by



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way of this revision petition under Article 227 of Constitution of India, 1950.

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5. Mr. Navaneetha Krishnan, learned counsel appearing for the revision petitioners submits that the plaintiffs filed the Suit seeking injunction against the defendants not to evict the plaintiffs without following the due process of law. The learned counsel further submits that during the pendency of the Suit, the second defendant namely Govindaraju passed away on January 24, 2020 leaving behind the respondent 4 to 9. The plaintiffs filed a petition under Order XXII Rule 4 of CPC praying to implead respondents 4 to 9 as defendants 4 to 9 in the main Suit. The learned counsel further submits that the Trial Court, without appreciating the entire facts and evidence on record, wrongly dismissed the said petition. Therefore, he prays to allow the Civil Revision Petition and set aside the Order passed by the Trial Court in I.A.No.3 of 2020 in O.S.No.214 of 2012 and consequently allow the same.

6. To be noted, this Civil Revision Petition was dismissed as against second respondent by this Court vide Order dated November 20, 2025. Further, despite notice and despite names printed on the cause list, Respondents 1 and 3 to 9 did not choose to appear and contest the Civil Revision Petition.



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7. This Court has heard the learned counsel for the revision petitioner and perused the plaint, affidavit filed in support of the I.A.No.03 of 2020 and other materials available on record. In the plaint, it has been stated that the plaintiffs are the tenants of the second defendant, Govindaraju who was in possession of the suit property vide Decree passed in O.S.No.21 of 1981 on the file of the Sub Court, Ariyalur.

8. Contention of the first defendant is that in appeal over the said Decree, the Sale Deed in favour of the second defendant was declared as null and void and thus, the alleged title of the second defendant over the suit property was negated. Feeling aggrieved by the Appellate Court's Judgment and Decree, the second defendant preferred a Second Appeal and the same was dismissed. Thereafter, the second defendant entered into a Sale Agreement dated November 10, 2005 with one Vairavalli Ayal in respect of 2/3 share in the suit property and based on the alleged Sale Agreement, he filed a Suit for specific performance in O.S.No.16 of 2011 on the file of the Principal District Judge, Ariyalur which was rejected under Order VII Rule 11 of CPC. Feeling aggrieved by the order of rejection, second defendant preferred an Appeal Suit

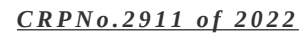


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in A.S.No.708 of 2012 and the same was dismissed on merits. Thereafter, the second defendant preferred a Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed on April 26, 2022. In short, the contention of the first defendant is that the second defendant has no right or title over the suit property and hence, the legal heirs / legal representatives of the second defendant are not necessary parties to the Suit.

9. It is true that second defendant's claim of title was negated and he has no title over the suit property. However, considering the nature of the Suit, being a permanent injunction Suit against the defendants, with a view to avoid multiplicity of proceedings and in the interest of justice, this Court is of the considered view that the second defendant's legal heirs / legal representatives shall be brought on record. In such a course, no prejudice would be caused to the first defendant. On the other hand, it would help towards settling the dispute once and forever; if in case the Trial Court grants permanent injunction, it would be binding on the respondents 4 to 9 as well.

10. Another contention of the first defendant is that the second defendant



11. As far as the plea of limitation is concerned, the second defendant died on January 24, 2020 and the petition to bring legal heirs / legal representatives on record was filed on July 13, 2020, which is during the Covid-19 pandemic period. In view of decision of the Hon'ble Supreme Court in *Cognizance for Extension of Limitation, in re* reported in *(2022) 3 SCC 117*, the period between March 15, 2020 and February 28, 2022 shall be excluded in computing the period of limitation. Hence, this Court is of the view that this petition filed under Order XXII Rule 4 of CPC is within time and not barred by limitation.

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Miscellaneous Petitions are closed.

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Index : Yes/No

Speaking/Non-speaking order

Internet : Yes

Neutral Citation : Yes/No

To

The Additional District Munsif
Ariyalur.



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R.SAKTHIVEL, J.

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