



CRP.No.3488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 14.07.2025

Order pronounced on : 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

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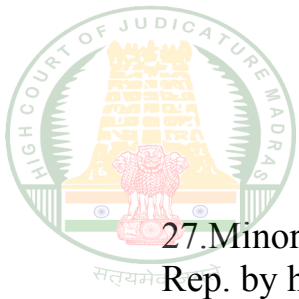
& CMP.No.21702 of 2023

Rajmohan

..Petitioner

Vs.

- 1.Senthamizhsenthil
- Mahalingam (Died)
- 2.Lalbahadur Sastri
- 3.Balamurugan
- 4.Mugundhan
- 5.Vasuki
- 6.Vasudevan
- 7.Swathi
- 8.Pandian
- 9.Malarkodi
- 10.S.Pushparaj
- 11.S.Babu
- 12.Revathy
- 13.Kalaiyarasi
- 14.Gowsalya
- 15.Raja Ayyadurai
- 16.Manivasagam
- 17.Radhiga
- 18.Selvi
- 19.Megarajbegam
- 20.Selvaraj
- 21.Arumugam
- 22.K.Jayakumar
- 23.Poongodi
- 24.K.Annadurai
- 25.Ravichandran
- 26.Kalaiyarasi



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27.Minor Rajesh

Rep. by his guardian natural father Venkatesan

28.Executive Officer,

Office of Sethiyathope Panchayat Union,

Sethiyathope, Bhuvanagiri Taluk,

Cuddalore District – 608 702.

29.Sub Registrar,

Office of Sub Registrar,

Sethiyathope 608 702,

Bhuvanagiri Taluk,

Cuddalore District.

30.The Assistant Engineer,

Tamilnadu Electricity Board,

Pazhvaikal, Sethiyathope.

31.Rajesh

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 10.07.2023 passed in I.A.No.127 of 2022 in O.S.No.276 of 2015 by the Additional District Munsif, Chidambaram.

For Petitioner : Mr.K.S.Viswanathan

Senior Counsel
for Mrs.T.Hemalatha

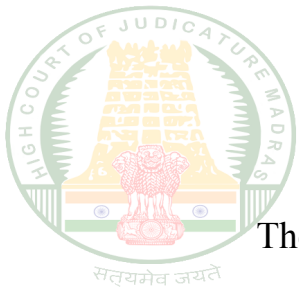
For Respondents : Mrs.Sharada Devi for RR1, 2, 4 to 7

Mr.T.Sundaranathan for RR22 to 27

Dr.S.Suriya
Additional Government Pleader for RR28

Mr.D.Gopal
Government Advocate for RR29
No appearance for RR3, 8 to 21

ORDER



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The revision petition has been filed, challenging the order of the Additional District Munsif Court, Chidambaram, dismissing I.A.No.127 of 2022, in and by which, the plaintiff sought for impleading of several respondents as party defendants.

2.I have heard Mr.K.S.Vishwanathan, learned Senior Counsel for Mrs.T.Hemalatha, learned counsel for the revision petitioner, Mrs.Sharada Devi, learned counsel for respondents 1, 2, 4 to 7, Mr. T.Sundaranathan, learned counsel for respondents 22 to 27, Dr.S.Surya, learned Additional Government Pleader for the respondent 28 and Mr.D.Gopal, learned Government Advocate for the respondent 29.

3.Learned Senior Counsel for the petitioner, Mr.K.S.Vishwanathan, would submit that when the plaintiff has filed a suit sought for a relief of permanent injunction to restrain the defendants from in any manner interfering with the plaintiff's possession and enjoyment of A-Schedule property, besides seeking a decree for declaration of plaintiff's title to B-Schedule property and for recovery of possession of the same, originally from the first defendant, but however when it has been brought to the notice of the plaintiff that several transactions have subsequently taken place and in the interest of justice, it



would be necessary to also implead respondents 9 to 31 as defendants in the said suit. Learned Senior Counsel would invite my attention to the order of the Trial Court, in and whereby the Trial Court has held that addition of parties should not be made merely to avoid multiplicity of suits, if their presence is not necessary for determining the real question, noticing that the plaintiff traces title to an oral partition after demise of their great grandfather before 1977, it is for the plaintiffs to establish their title and that it can be done even in the absence of the proposed parties.

4.Challenging the said findings, the learned Senior Counsel, Mr.K.S.Vishwanathan would submit that the findings arrived at by the Trial Court are wholly unsustainable, when an effective and complete adjudication of all questions involved in the suit can be possible only if the proposed parties are also impleaded. The learned Senior Counsel would further submit that excepting two of the respondents, none of the other respondents even filed a counter, opposing the application for impleading. The learned Senior Counsel would therefore pray for the revision being allowed.

5.Per contra, Mr.T.Sundaranathan, learned counsel appearing for the



respondents 22 to 27 would state that the Trial Court has rightly dismissed the application, holding that the proposed parties are not proper or necessary parties for adjudication of the issues that arise in the suit. He would pray for dismissal of the revision.

6.I have carefully considered the submissions advanced by learned counsel on either side. I have also gone through the impugned order dismissing the application for impleading the parties.

7.The case of the plaintiffs is that property measuring an extent of 0.94 cent was originally acquired by one Appavu Padayachi under a registered Sale Deed dated 24.09.1924. The said land was comprised in RS.No.184/1. The said Appavu Padayachi died intestate, leaving behind his only son Narayanasamy Padayachi, who was married to Nagavalli and they were blessed with four sons, who entered into an oral partition amongst themselves, after the death of the said Narayanasamy and each of the sons were allotted 0.23.5 cents in RS.No.184/1. One of the sons, Chandirakasi had two sons by name Rajendiran and Anbazhagan. The said Chandrakasi's son settled his share of 0.23.5 cents in favour of the revision petitioners, who are grandsons through the son,



Rajendiran. The present suit came to be filed since the lands, which were settled on the plaintiffs, were attempted to be encroached upon and fraudulent conveyances have also been made to defeat the rights of the revision petitioners.

8.It is also the further contention of the learned Senior Counsel that one another son of Narayanasamy Padayachi by name Govindsamy, along with his two sons, had conveyed an extent of 0.23.5 cents in favour of one, Ayyadurai and subsequently, when Ayyadurai and his sons entered into a partition, they have surreptitiously included the extent of 0.23.5 cents belonging to Chandirakasi as well and based on the said Partition Deed, various documents have been executed.

9.The revision petitioner has also indicated in clear terms in the application for impleadment that, after the necessary parties are impleaded, the plaintiff will also seek for amendment of the plaint for including the reliefs cancellation of all the registered documents, in and by which, the right and interest of the plaintiff has been attempted to be taken away. I find that excepting the 23rd respondent and respondents 26 to 28, none of the other respondents chose to oppose the impleading application.



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10. It was contended by the 23rd respondent that the property in favour of the 23rd respondent has no nexus to the suit property and only in order to drag the suit, the petition has been filed. At the outset, I am unable to see any reason for the third party, who is proposed to be impleaded to even contend that the plaintiff who has come to Court, seeking relief is attempting to protract the proceedings by filing an application to implead proper and necessary parties, who according to the plaintiff, are absolutely necessary for complete adjudication of the issues arising in the suit.

11. In so far as respondents 26 to 28, the said respondents have objected to the including application on the ground that they have purchased the property from a valid owner, even prior to the suit and the plaintiff was fully aware of the purchase made by these respondents. The application was only opposed on the ground of delay. The learned trial Judge, having discussed the factual matrix, has held that the addition of parties should not be made merely to avoid multiplicity of proceedings, if their presence is not necessary for determining the real question in controversy. It is the specific contention of the plaintiff that the entitlement of 0.23.5 cents in the very same survey number was usurped by one of the purchasers, Ayyadurai, who had purchased only an extent of 0.23.5



cents, but proceeded to execute a partition amongst his family for 0.47 cents.

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12.It is also the specific contention of the revision petitioner that only when the Advocate Commissioner visited the suit property for inspection, the petitioner came to know about various Sale Deeds that have been brought about to defeat the rights of the revision petitioner. The suit is not merely for injunction but also for declaration and recovery of possession of the property, which has been described in schedule B to the plaint. The Trial Court ought to have held that the proposed parties were proper and necessary parties for complete adjudication of all questions arising in the suit, especially when the suit is one for establishing the title of the plaintiff and also for recovery of possession.

13.The reason for not filing the application earlier is also explained by the plaintiff, stating that they have come to know about the various documents that have been brought about only after the visit of the Advocate Commissioner and not earlier. The plaintiff, being *dominus litus*, is entitled to choose to add parties against whom the plaintiff intends to seek relief. The Court should have viewed the request for impleading from the eyes of the plaintiff, instead of merely

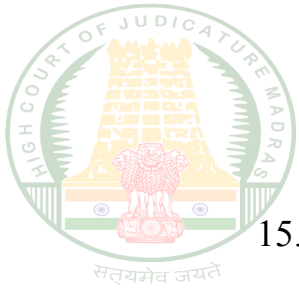


holding that the impleading application cannot be allowed only on the ground of

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avoiding multiplicity of proceedings. In fact, the Trial Court failed to see that for the very same suit property, when the plaintiff has approached the Court seeking to establish title, by seeking a declaratory relief and also for consequential relief of recovery of possession, unless all the parties interested in the lis are impleaded, there is no possibility for a complete adjudication of real questions that arise for consideration or determination in the suit.

14.The finding of the Trial Court that the plaintiff has to prove title first and the same can be done even in the absence of proposed parties is again not sustainable. The plaintiff cannot be called upon to keep litigating on the same issue with different parties and rightly, the plaintiff has sought for impleading all interested parties, who are purchasers of various portions of the suit property. The Trial Court also erred in holding that even in the absence of the proposed parties, there can be an effective and complete adjudication of all questions involved in the suit. The Trial Court also failed to see that it is not the case of the contesting defendants or even the proposed parties that they are not in occupation of the portion of the suit property. In the light of the above, the Trial Court clearly erred in dismissing the application for impleading.



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15.In fine, the Civil Revision Petition is allowed and the order dated

10.07.2023 in I.A.No.127 of 2022 in O.S.No.276 of 2015 on the Additional

District Munsif, Chidambaram, is set aside. There shall be no order as to costs.

Connected Civil Miscellaneous Petition closed.

18.07.2025

Speaking/Non-speaking order

Index : Yes/No

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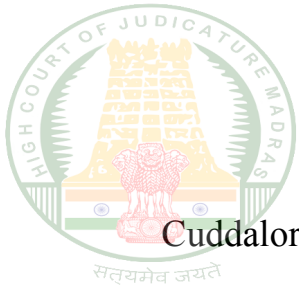
To

1.The Additional District Munsif, Chidambaram.

2.Executive Officer,
Office of Sethiyathope Panchayat Union,
Sethiyathope, Bhuvanagiri Taluk,
Cuddalore District – 608 702.

3.Sub Registrar,
Office of Sub Registrar,
Sethiyathope 608 702,
Bhuvanagiri Taluk,

10/12



Cuddalore District.

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P.B.BALAJI.J.

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Pre-delivery order made in
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& CMP.No.21702 of 2023

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