



WEB COPY

CRP No. 3464 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 3464 of 2025

1. K.S.Ragunathan
S/o. Sundaram Chettiar

Petitioner(s)

Vs

1. J.Sanker
S/o. Jayaraman

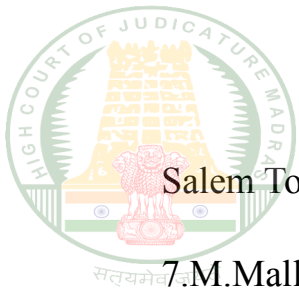
2.N.Rajagopal
S/o. Nanjappa Chettiar

3.Hemalatha
W/o. Sridhar

4.The District Collector of Salem
Collectorate Compound,
Salem Town, Salem-636 001.

5.The Thasildhar of Salem Taluk.
Taluk Office Compound,
Cherry Road, Salem Town,
Salem-636 001.

6.The Commissioner Executive Officer
Salem Municipal Corporation,



Salem Town, Salem-001.

7.M.Malliga

W/o. Manoharan

8.R.Dhanalakshmi

W/o. Rajasekaran

9.M.Jayalakshmi

W/o. Mohanraj

10.L.Pushpalatha

W/o.Lakshmanan

11.The Executive Engineer

The Tamil Nadu Electricity Board

Office, Sankari Main Road,

Kathayammal Nagar, Nethimedu,

Salem-002.

12.The Assistant Executive Engineer

TNEB (O and M), Linemedu,

Annathanapatty,

Salem-002.

Respondent(s)

PRAYER

To set aside the Fair and Final Order dated 24.06.2025 passed by the learned Principal Subordinate Judge, Salem in IA No. 2 of 2025 in OS No. 817 of 2023.

For Petitioner(s): Mr.L.Mouli

For Respondent(s): Mr.J.Daniel

Government Advocate (CS) for R4-6



ORDER

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The Civil Revision Petition has been filed to set aside the Fair and Final Order dated 24.06.2025 passed by the learned Principal Subordinate Judge, Salem in I.A No. 2 of 2025 in OS No. 817 of 2023.

2. The revision petitioner is the plaintiff. Aggrieved by the dismissal of I.A.No.2 of 2025 in O.S.No.817 of 2023, in and by which the petitioner wanted to implead the electricity board officials. The suit was originally filed in the year 2009 and on the prayer then sought, the suit was decreed. A First Appeal was preferred at the instance of the 1st defendant. The First Appellate Court, after hearing the parties, chose to remand the suit to the Trial Court for fresh disposal, after permitting the parties to lead additional evidence. Admittedly, the plaintiff has taken out an application in I.A.No.3 of 2022, after remand for including additional reliefs in the plaint.

3. It is the specific case of the plaintiff that in the month of September 2023, the 1st respondent/defendant put up a shed on 03.09.2023 and the plaintiff has given a police complaint on 04.09.2023 and pending enquiry before the police authorities, the electricity officials have installed an electric meter in the shed that has been constructed by the 1st defendant as a result of the alleged undue influence exercised by the 1st defendant. The petitioner therefore sought to implead the EB officials as defendants 11 and 12 in the suit. The application was resisted by the 1st defendant as well as the proposed parties, contending that



the EB officials are neither proper nor necessary parties to adjudicate the issues arising for consideration. The Trial Court has also accepted the contention of the respondent and dismissed the amendment application, stating that there is no relief sought for against the EB officials and therefore, they are not proper and necessary parties.

4. The learned counsel for the petitioner states that only if the EB officials are impleaded, the petitioner/plaintiff would be in a position to seek for relief against the EB officials and therefore, the reason set out by the Trial Court to reject the application for impleading the EB officials is wholly unsustainable.

5. Per contra, the learned counsel for the 1st defendant states that suit has been pending from the year 2009 and the plaintiff is protracting the proceedings by filing some interlocutory applications.

6. However, the fact remains that the petitioner has made a specific averment that in September 2023, after remand by the First Appellate Court on 19.07.2019, the 1st defendant has put up a shed and consequently the EB officials have also installed an electric meter for providing service connection to the said shed. The plaintiff was posed a question as to why no relief has been sought for as against the 1st defendant with regard to the asbestos shed, for which the learned counsel states that the plaintiff is willing to take out an application to amend the plaint further to incorporate necessary relief as against



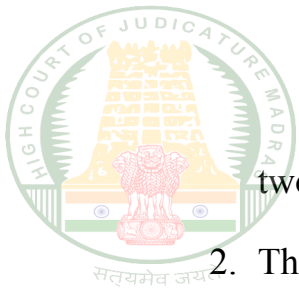
the construction of the unauthorised shed.

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7. I find that the parties to the suit as on date, are one and the same and the larger issues are pending to be decided in the trial, post remand. The subsequent event, namely the allegation that the 1st defendant trespassed into the property and put up a shed and obtained an electricity service connection, is the reason set out for seeking impleadment of the EB officials. As rightly held by the Trial Court, as long as no relief is sought against the EB officials, they are not proper and necessary parties. However, the learned counsel for the petitioner/plaintiff states that only after the amendment, suitable relief will be sought against the EB officials, seeking removal of the electric meter installed in the suit property. The learned counsel for the plaintiff also states that even with regard to the alleged trespass and construction of the asbestos shed, the plaintiff is contemplating amending the plaint. It is desirable that all issues between the parties are decided under one roof, which would avoid multiplicity of proceedings.

8. In view of the above, I am inclined to allow this revision, subject to the plaintiff being put on terms for the delay in approaching the Court for the amendments. The Civil Revision Petition is allowed with the following directions,

1. The amendment application in I.A.No.2 of 2025 is allowed, subject to payment of Rs.5000/- to the 1st respondent/defendant within a period of



two weeks from the date of receipt of a copy of this order.

2. The petitioner/plaintiff is permitted to take out a further amendment application to incorporate comprehensive relief touching the subsequent events that have been alleged in I.A.No.2 of 2025. The said application shall be filed within a period of two weeks from the date of payment to the 1st respondent/defendant.
3. An opportunity shall be given to the respondents to test the amendment by filing counter. The Trial Court shall dispose of the said amendment application within a period of four weeks thereafter.
4. It is also made clear that the Trial Court, subject to the result of the proposed amendment application to be taken out by the plaintiff shall dispose of the suit on or before 31.01.2026.

No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

05-08-2025

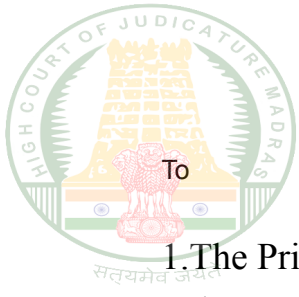
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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Salem

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