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CRP.No.5454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5454 of 2025 and
CMP.No.27420 of 2025

Mrs.Krishnaveni

... Petitioner

Vs.

- 1.Ms.R.D.Selvi
2. R.D. Mohanvel
- 3.R.D. Uma Shankar
- 4.R.D.Arun Shankar
- 5.R.D.Mothi Shankar
6. K.V.Navaneetha Krishnan

...Respondents

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order in I.A.No.2 of 2025 in O.S.No.833 of 2015 dated 31.07.2025 on the file of XV Assistant Judge, City Civil Court, Chennai by allowing the revision petition.

For Petitioner : M/s.R.Thangamani



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ORDER

The civil revision petition is filed challenging the order passed by the Trial Court allowing the application for impleadment filed by the respondents 1 to 6.

2. The learned counsel for the petitioner submitted that respondents 1 to 6 are not necessary parties to the suit filed by the petitioner and hence, the Trial Court committed an error in allowing their impleadment.

3. The petitioner herein filed a suit for bare injunction against the 7th respondent restraining her from interfering with her possession and enjoyment of the suit property.

4. The respondents 1 to 6 filed instant application seeking their impleadment on the ground that they already instituted a suit against the petitioner and the 7th respondent in O.S.No.3507 of 2019 on the file of VII Assistant City Civil Court, Chennai with the following prayers:-

(i) Declaration declaring that myself and other Plaintiffs are the only surviving legal heirs of late Miss. E. Andal who died intestate on 29.08.1996 .

(ii) Declaration declaring that the Sale deed registered as Doc.



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No.4778/2011, dated 08.11.2011, SRO, Purasawalkam, executed by First Defendant in favour of Second Defendant as NULL and VOID.

(iii) directing the First Defendant to vacate and hand over the possession of Front portion 400 Sq.ft., (Ground and First Floor) of Schedule property at Door No.104 Part, Bricklin Road, Chennai 600 012, occupied by her as PERMISSIVE OCCUPIER and hand over vacant possession of the same to the Plaintiffs.

(iv) Mandatory Injunction directing the Third and Fourth Defendants to cancel the illegal property tax assessment in the name of Mrs.KRISHNAVENI First Defendant herein, directing the fifth and sixth Defendants to cancel the illegal Patta obtained by the First Defendant, devolving the 7th and 8th Defendants to cancel the illegal Document vide Doc. No. 4778 of 2011.

(v) directing the Defendant to pay a sum of Rs.10,000/- per month being the damages for use and occupation of the Schedule property i.e., Front portion 400 Sq.ft., (Ground and First Floor) at Door No.104 Part, Bricklin Road, Chennai - 600 012, from the date of plaint till the date of delivery of vacant possession.



5. Therefore, it is clear that the proposed parties instituted a suit for declaration that they are all legal representatives of one Andal, who happens to be the sister of the petitioner. They sought for a prayer that sale deed executed by the first defendant therein in favour of second defendant therein was null and void. They also sought for a prayer for recovery of possession. Therefore, the proposed parties filed a comprehensive suit claiming right over the subject property. In such circumstances, though they are not necessary parties to the suit for injunction filed by the petitioner, they appear to be the proper party. The presence of proposed parties will certainly enable the Court to decide the case in a comprehensive way. I do not find any error in the impugned order passed by the trial Court allowing the application filed by the respondents 1 to 6 seeking their impleadment.

5. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The XV Assistant Judge, City Civil Court, Chennai



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S.SOUNTHAR, J.

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