



CRP.No.762 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.762 of 2019

and

CMP.No.5002 of 2019

M.Muthammal

...Petitioner

Vs.

1. S.Vijayaraj
2. Arumugam
3. V.Kala
4. P.S.Vijayakumar
5. K.Pavunammal
6. Poongavanam
7. Amul
8. Thangaraj
9. Selvaraj
10. Premalatha
11. R.Sundaram
12. S.Amutha
13. S.Anbazhagan

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 09.09.2014 made in I.A.No.91 of 2014 in O.S.No.182 of 2011 on the file of Additional District Munsiff Court, Thiruvannamalai, Thiruvannamalai District.



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For Petitioner : Mr.P.G.Thiyagu
For Respondents : Mr.V.Prakash Babu, for R2
Mrs.S.Suseela Devi,
for Mr.M.S.Aravinthan, for R3 & R4
No appearance, for R6 to R13
R5 – Died (Steps due)

ORDER

Challenging the dismissal order dated 09.09.2014 made in I.A.No.91 of 2014 which was an application to implead the proposed parties as defendants in the suit, the present revision petition has been filed by the plaintiff.

2. I have heard the learned counsel on either side and I have also gone through the materials placed before me.

3. Learned counsel for the petitioner submits that, even in the plaint there is reference to alienation made in respect of the disputed property, and therefore, it is not as if any new cause of action is sought to be introduced in the plaint. Learned counsel further states that, after the execution proceedings were laid, interference was noted from the



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defendants and it came to light that the legal heirs of Sundaram have in fact filed REA.No.40 of 2013 to stay further proceedings and also sought to declare the preliminary decree and final decree as null and void and after coming to know that they were the actual legal heirs of the said Sundaram @ Sundara Konar, the present application has been filed.

4. Learned counsel for the petitioner also states that, the proposed respondents are proper and necessary parties for effective adjudication of the issues that arise for consideration in the suit. Further, he would also contend that the trial court has also erroneously held that the petitioner has not established that the respondents are purchasers of the suit property.

5. In this connection, the learned counsel for the petitioner also took me through the plaint averments and allegations, as well as the suit documents, to establish that the said finding of the trial court is not on facts and is wholly erroneous. He would therefore, prays for the impugned order be set aside and consequently, the impleading application in I.A.No.91 of 2014 be allowed.



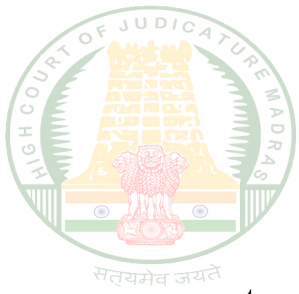
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6. Per contra, the learned counsel for the 3rd and 4th respondents submits that the suit is only for permanent injunction and the plaintiff having approached the Court with the specific case that the defendants 1 to 4 are interfering with the possession of the property, there is no necessity to enlarge the scope of the said suit by impleading the purchasers of the suit property. Learned counsel further submits that the trial court has rightly dismissed the application and the same does not warrant any interference of this Court.

7. The suit has been filed seeking a relief for permanent injunction to restrain the defendants 1 to 4 from constructing compound wall in the Northern side of the suit property and also for a permanent injunction to restrain the defendants from selling the suit property to the third parties.

8. It is seen that, pending the suit, the plaintiff wanted to implead the legal heirs of one Sundaram @ Sundara Konar. Merely because the proposed respondents are legal heirs of the said Sundaram, it will not



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automatically mean that they are proper and necessary parties to the suit.

The cause of action for the suit indicates that the plaintiff has come to Court on the definite case that the defendants 1 to 4 are attempting to put up construction in the Northern half of the suit property. Hence, he sought for relief of permanent injunction. Even in the application for impleadment, except stating the relationship, there is no whisper as to how the cause of action survives on the purchasers and why the purchasers are proper and necessary parties.

9. Hence, the trial court has rightly held that it is not a suit for declaration, warranting the purchasers also to be parties to the litigation, to give an effective adjudication of the issues that arise for consideration. The trial court has also found that being a suit for permanent injunction, the presence of the purchasers is neither proper nor necessary in the light of the suit relief and the cause of action on which the suit is initiated.

10. In the light of the above, I do not find any perversity in the order of the trial court, dismissing the amendment application in I.A.No.91 of 2014, filed by the plaintiff.



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11. At the same time, considering that the suit is of the year 2011, direction is issued to the Additional District Munsiff Court, Thiruvannamalai District to dispose of the suit within a period of six (6) months from the date of receipt of a copy of this order.

12. If at all the plaintiff has any independent or new cause of action against the proposed parties, it is always open to the plaintiff to take re-course as available under law.

13. For the reasons aforesaid, this Civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

28.07.2025

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Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

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To:

The Additional District Munsiff Court,
Thiruvannamalai District.



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P.B. BALAJI, J.

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