



CRP(MD). No.79 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.79 of 2023
and
CMP(MD) No.354 of 2023**

Jothi Lakshmi

... Petitioner

Vs

1.Muthu Pandian

2.The State of Tamil Nadu
Tirunelveli
Through The Director Collector
Tirunelveli
Tirunelveli District.

3.The Revenue Divisional Officer
The Office of Revenue Divisional Officer
Tirunelveli.

4.The Tahsildhar
Manur Taluk
Tirunelveli District.

5.The Special Officer
Vannikkonendhal Panchayat Office



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Vannikkonendhal
Tirunelveli District.

6.The Commissioner
Manu Panchayat Office
Manur
Tirunelveli District.

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 20-08-2022 passed in I.A.No.4 of 2021 in O.S.No.142 of 2020 on the file of the Sub Court, Sankarankoil.

For Petitioner : Mr.S.A.Ganapathyraman

For R1 : Mr.N.Sankar Ganesh

For R2 to R6 : Mr.P.Thambidurai
Government Advocate

ORDER

This Civil Revision Petition has been filed challenging the order dated 20.08.2022 passed in I.A.No.4 of 2021 in O.S.No.142 of 2020 on the file of the Sub Court, Sankarankovil.

2.The first respondent/plaintiff has filed a suit in O.S.No.142 of 2020 for the relief of declaration and injunction. Pending suit, the petitioner, who is a third party to the suit, filed an interlocutory



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application in I.A.No.4 of 2021 under Order I Rule 10(2) read with Section 151 CPC seeking to implead herself as 6th defendant in the suit. The trial Court had dismissed the IA., vide order, dated 20.08.2022. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that the first respondent/plaintiff has encroached the petition mentioned property and illegally constructed shops by obstructing the access of the public to use the common Well situate in S.No.1306/15. In this regard, she has given a representation to the authorities concerned to take appropriate action. Consequently, the petitioner filed W.P.(MD) No. 10265 of 2020 before this Court, to direct the respondents therein to remove the encroachment made by the first respondent in the petition mentioned property and this Court, vide order, dated 28.08.2020, without going into the merits of the claim made by the petitioner therein, had disposed of the aforesaid writ petition, directing the respondents 3 and 4 therein to cause inspection upon the petition mentioned property and to remove the encroachment, if any obstruction/encroachment is noted.



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Only thereafter, suppressing all those facts, the suit had been filed. He would further submit that the suit is also bad for non joinder of necessary parties and without considering all those facts properly, the trial Court had dismissed the application filed by the petitioner and thus, he called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The learned Government Advocate for the respondents 2 to 6 would submit that it is for the first respondent/plaintiff to choose who has to be made as a party in the suit as defendant. The trial Court has rightly appreciated the facts of the case and has rejected the impleading petition filed by the petitioner. He would therefore pray this Court to dismiss the present Civil Revision Petition.

5.Heard the learned counsel on either side and this Court perused the order passed in the interlocutory application.

6.Right to implead a party under Order I Rule 10(2) CPC is discretionary in nature, to be exercised judiciously based on the stage of



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proceedings and the necessity of such party for a proper adjudication of the suit. In the present case, now the suit is posted for filing of counter statement by the defendants. Further, the petitioner, who is a third party to the suit, has no direct cause of action in the original dispute. Therefore, she can pursue independent remedy, if required. Upon careful consideration of the order impugned herein, this Court finds that the trial Court has rightly appreciated the facts and law and has rightly dismissed the same, as the application lacks *bona fides*.

7. In view of the above discussion, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1. The Subordinate Judge, Sankarankoil.

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2.The Director Collector
Tirunelveli
Tirunelveli District.

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The Office of Revenue Divisional Officer
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N.SENTHILKUMAR, J.

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