

CRP(MD).No.219 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.219 of 2025 and
CMP(MD).No.1343 of 2025

Selvamani

: Petitioner / Plaintiff

Vs.

1.Nagarajan
2.Mariyasengole
3.Muruganandham
4.R.Kasinadhan
5.A.Saminathan
6.R.Arivalagan

7.The Sub Registrar,
Joint No.2,
Karaikudi,
Sivagangai.

: Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 16.11.2023 passed in I.A.No.5 of 2022 in O.S.No.56 of 2022 on the file of the learned District Munsif, Karaikudi.

For Petitioner

: Mr.M.Arjun Varaman



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For 7th respondent

for M/s. Roy and Aoy Associates

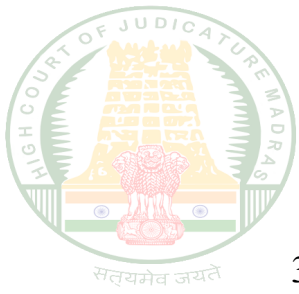
: Mr.B. Saravanan

Additional Government Pleader

ORDER

This Civil Revision Petition has been filed against the fair and decretal order, dated 16.11.2023 made in I.A.No.5 of 2022 in O.S.No.56 of 2022 on the file of the learned District Munsif, Karaikudi.

2. According to the revision petitioner, he has filed the suit in O.S.No.56 of 2022 on the file of the District Munsif Court, Karaikudi for declaration of title and consequential relief. Pending suit, he has also filed an application in I.A.No.5 of 2022 for impleading the proposed respondents 4 to 7 as respondents in the above suit. The trial Court by its order, dated 16.11.2023 allowed the said application in respect of the proposed respondents 4 to 6 and dismissed against the 7th respondent. However, in the decree copy it is printed as the entire application has been dismissed. In such circumstances, the petitioner herein has filed the present Civil Revision Petition.



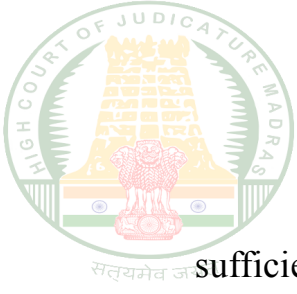
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3. The learned counsel appearing for the revision petitioner submitted that the trial Court has dismissed the said application stating that earlier application filed in I.A.No.No.1 of 2022 to implead the 7th respondent was dismissed and hence, they are not necessary party in the suit. He would further submit that the trial Court failed to consider the request made by the revision petitioner that the 7th respondent had only registered the document and hence, it has become necessary to implead the 7th respondent in the suit. Hence, prays for remanding the matter back to the trial Court.

4. Heard the learned counsel for petitioner and perused the materials available on record. Mr.B.Saravanan, learned Additional Government Pleader takes notice for the 7th respondent.

5. Considering the facts and circumstances of the case, the order, dated 16.11.2023 made in I.A.No.5 of 2022 in O.S.No.56 of 2022 on the file of the learned District Munsif, Karaikudi is hereby set aside and the matter is remand back to the trial Court for fresh enquiry. The trial Court is directed to dispose the said application in I.A.No.5 of 2022 in O.S.No. 56 of 2022 on its own merits and in accordance with law, after giving



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sufficient opportunities to both the parties concerned.

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6. With the above direction this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

30.01.2025

Index : Yes / No
Internet : Yes/ No
trp

To

The learned District Munsif, Karaikudi.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

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