



C.R.P.(NPD)(MD)No.497 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.497 of 2025

and

C.M.P(MD)No.2775 of 2025

Venkatachalam ...Petitioner/4th Petitioner/Third party

Vs.

Peri.Periyannan (Died)

1.Mahendran ...1st Respondent/2nd Respondent/2nd Appellant

2.The Thasildhar,
Devakottai Taluk,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The District Collector,
Sivagangai District.

...Respondents 2 to 4/Respondents 3 to 5/
Respondents 1 to 3

5.Alagu @ Alagammal

6.Senthil

7.Baskaran

8.Karthikeyan ...Respondents 5 to 8/Petitioners 1,2,3&5/Third parties



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order, dated 27.06.2024, made in I.A.No.1 of 2024 in A.S.No.19 of 2017 on the file of learned Sub Judge, Devakottai.

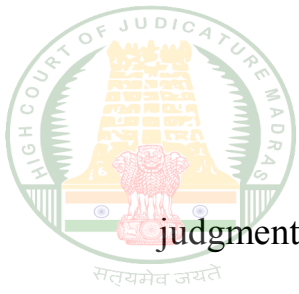
For Petitioner : Mr.J.Ananadkumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R2 to R4
Mr.V.R.Shanmuganathan for R1

ORDER

A third party to A.S.No.19 of 2017 on the file of the Sub Court, Devakottai, is the revision petitioner herein.

2.The revision petitioner had initially filed O.S.No.54 of 2015, on the file of the District Munsif Court, Devakottai, for the relief of declaration that the suit schedule property therein is a pathway and for permanent injunction. The respondents herein had filed O.S.No.138 of 2014 before the same Court for the relief of declaration of title. Both the suits were tried together and a common judgment was passed dismissing both the suits. The present revision petitioner had filed A.S.No.2 of 2018 and the respondent had filed A.S.No.19 of 2017, before Sub Court, Devakottai. Both the appeals were heard together and by way of common judgment, both the appeals were dismissed. Challenging the



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judgment and decree in A.S.No.19 of 2017, the respondent herein had filed S.A.No.139 of 2018. This Court by judgment and decree, dated 12.09.2023 has allowed the Second Appeal and remitted the matter back to the first appellate Court. However, the revision petitioner has not chosen to challenge the judgment and decree in A.S.No.2 of 2018 till S.A.(MD)No.139 of 2018 was disposed of.

3.Now, the revision petitioner has chosen to file an impleading application in A.S.No.19 of 2017 after it was remanded by the High Court. This application has been dismissed by the first appellate Court on the ground that when the revision petitioner has not chosen to challenge the judgment and decree in A.S.No.2 of 2018, he is not a necessary party in A.S.No.19 of 2017. Challenging the said order, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, now he has filed Second Appeal challenging the judgment and decree in A.S.No.2 of 2018 and the same is pending in the condone delay stage. In such circumstances, if he is not impleaded as respondent in A.S.No.19 of 2017, it would cause great prejudice to him.



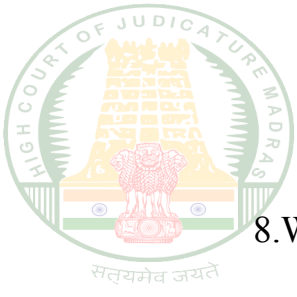
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5.Per contra, the learned Counsel appearing for the respondents had contended that when the judgment and decree in A.S.No.2 of 2018 had attained finality and he has accepted the dismissal of the suit, he cannot get himself impleaded in A.S.No.19 of 2017 so as to challenge the rights of the plaintiff in the said suit.

6.I have considered the submissions made on either side and perused the materials available on record.

7.The present revision petitioner was aware of the pendency of O.S.No. 138 of 2014 and A.S.No.19 of 2017. In such circumstances, the present application by the revision petitioner to implead himself in A.S.No.19 of 2017 after it has been remanded back from the High Court is highly belated and it is an unnecessary application. However, the revision petitioner would be entitled to work out his remedy in the Second Appeal filed by him.



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8. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

20.02.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The learned Sub Judge, Devakottai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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