



C.R.P.(PD)(MD).No.1640 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.1640 of 2024
and CMP(MD).No.9638 of 2024

Bhagavathi Ammal

.... Petitioner/1st Respondent
/Plaintiff

-VS-

1.Nallaperumal

...1st Respondent/Petitioner
/3rd Defendant

2.R.Vijaya Sarathi

3.R.Balachandran

...Respondents 2 & 3
/Respondents 2 & 3
/Defendants 1 & 2

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 25.03.2024 passed in I.A.No.24 of 2023 in O.S.No.143 of 2019 on the file of the Principal Subordinate Court, Nagercoil.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.V.Sasikumar for R1

: Mr.R.Ponkarthikeyan for R3

: No appearance for R2

ORDER

The plaintiff in O.S.No.143 of 2019 on the file of the Principal Sub Court, Nagercoil has filed the present civil revision petition



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challenging the allowing of an application filed by a third party to get himself impleaded in the suit.

2.A perusal of the records reveal that the suit has been filed by the plaintiff seeking the relief of declaration that 'B' schedule property is a common pathway and for a consequential injunction.

3.When the suit was posted for cross examination of DW1, the first respondent herein had filed I.A.No.24 of 2023 seeking to implead himself in the suit. As per averments in the affidavit, he is representing the family of Sivaraman Nadar and they are having interest over the suit schedule pathway. Therefore, he should be impleaded.

4.This request of the first respondent has been accepted by the trial Court and he has been impleaded. Challenging the same, the present civil revision petition has been filed.

5.According to the learned counsel for the revision petitioner, there are several persons belonging to the said branch of Sivaraman Nadar. They are likely to file impleading application one by one dragging the proceedings in the suit. That apart representing the same branch, already



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defendants 1 and 2 have been impleaded. In such circumstances, the impleading application is unnecessary and it has been filed only at the instigation of the original defendant.

6.Per contra, the learned counsel for the respondents had contended that the family members of the Sivaraman Nadar have got interest over the suit pathway and in order to protect their interest, they have to be necessarily impleaded. The trial Court has rightly chosen to allow the application and therefore, the said order may be sustained.

7.Heard both sides and perused the material records.

8.As per averments in I.A.No.24 of 2023, the proposed party namely Nallaperumal claims that he represents the branch of Sivaraman Nadar. The said branch claims some interest in the suit property. It will be necessary for the plaintiff to implead the said person. However, it is made clear that no other person from the said family could get impleaded himself in future. The trial Court is directed to dispose of the suit on or before 31.10.2025.



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9. With the above said observations, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1. The Subordinate Judge
Nagercoil

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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