

CRP(MD). No.1960 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 21/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1960 of 2025
and CMP(MD) No.11282 of 2025**

D.Selvamani

... Petitioner

Vs

1. Koperundevi

2. Radha Krishnan

3. Muthukumar

4. Chandrakumar

5. Valliammal

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to call for the records and set aside the fair order and decretal order in IA No.2 of 2024 in OS No.149 of 2023 dated 06.03.2025 on the file of the Principal District Munsif Court, Nagercoil.

For Petitioner : Ms.A.Elis Chithra Devi



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ORDER

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The Civil Revision Petition is filed against the fair order and decretal order dated 06.03.2025 in IA No.2 of 2024 in OS No.149 of 2023 on the file of the Principal District Munsif Court, Nagercoil.

2. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

3. The petitioner is the plaintiff and he instituted the suit in OS No. 149/2023 for injunction against the respondents/defendants 3 to 5. Pending suit, the respondents 1 and 2, who are the mother and son respectively, filed IA No.2/2024 under Order I Rule 10 (2) read with 151 of the Code of Civil Procedure for impleading themselves as defendants in the suit. The said petition was allowed. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the respondents 1 and 2 are no way connected with the suit. While so, they filed an impleading application to implead themselves in the suit

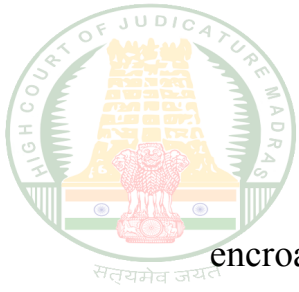


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contending that some of the properties belong to them was encroached by the petitioner/plaintiff herein. The learned counsel would contend that when the respondents 1 and 2 are neither proper nor necessary parties, without any title or whatsoever filing a petition for impleading themselves is unsustainable and without notice to the petitioner/plaintiff and without her consent, the interlocutory application came to be allowed and hence, prays for interference.

5. I have considered the submissions and perused the materials available on record.

6. Perusal of the available records including the order passed by the trial Court and the affidavit filed by the respondents 1 and 2 in the interlocutory application would go to show that the first respondent claims to be the owner of the property and he purchased the property vide Document No.460/1971 and subsequently, a portion of the property was alienated in favour of several persons by retaining considerable portion for them, ie., around 0.893 cents, in which, the tomb of their forefather and a family temple situate and since the petitioner has



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encroached the property, the respondents 1 and 2 filed an application to implead themselves in the suit. When the respondents 1 and 2 claim to be the owner of the property and in order to give a quietus to the issue in *toto*, the trial Court has allowed the petition. Hence, no interference is warranted to the order of the trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

21.07.2025

NCC : Yes/No
Index : Yes/No

RR

TO

1.The Principal District Munsif Court, Nagercoil.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1960 of 2025**

Date : 21/07/2025