



C.R.P.(MD)No.2060 of 2021

WEB COPIES BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2060 of 2021

and

C.M.P.(MD)No.11002 of 2021

Arul Nadar

...Petitioner

Vs.

1.Mariya Indira
2.Helan Vasantha

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 21.10.2021 made in I.A.No.2 of 2021 in O.S.No.50 of 2013, on the file of the Principal District Munsif Court, Valliyoor and allow the Civil Revision Petition.

For Petitioner : Mr.V.George Raja

For Respondents : No appearance



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ORDER

This petition has been filed seeking to quash the order dated 21.10.2021 made in I.A.No.2 of 2021 in O.S.No.50 of 2013, on the file of the Principal District Munsif Court, Valliyoor.

2.The petitioner is the plaintiff in O.S.No.50 of 2013 and originally, the petitioner impleaded the second respondent as defendant in the suit and subsequently, the first respondent filed impleading petition in I.A.No.596 of 2018. However, subsequently she withdrew the said I.A. and thereby, filed another application in I.A.No.2 of 2021, to implead himself as a party second defendant. The said petition was allowed. Challenging the same, the present Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that the first respondent is an unnecessary party and he has been impleaded in the suit. The dispute is only between the petitioner and the second respondent. The suit was filed on 21.02.2013, for injunction as against the second respondent. However, the first respondent claims that she purchased the property from the second



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respondent on 20.11.2013 and thereby filed the impleading petition. Learned

WEB COUNSEL for the petitioner further submits that when the suit is pending, any alienation is impermissible and the same is contrary to Section 52 of the Transfer of Property Act, 1882. Further, the earlier application filed was withdrawn. Accordingly, prays for allowing the present Civil Revision Petition.

4.Though the name of the respondents are printed in the cause list, none appears. Considering the pendency of the litigation, this Civil Revision Petition is disposed of, in the absence of the respondents, with the materials available on record.

5.The facts in the present case are not in dispute. Admittedly, the petitioner filed a suit as against the second respondent / defendant for injunction, restraining her from interfering with the property. However, while pending suit, the first respondent filed impleading petition in I.A.No.596 of 2018 and withdrew the same. Thereafter, against she filed another application in I.A.No.2 of 2021, seeking to implead herself as a party defendant. Repeatedly, the Hon'ble Apex Court and this Court held that it is for the plaintiff to decide the issue and if no relief is sought against a person, then he shall not implead them as a party and admittedly they are not necessary party. However, in the



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present case, in the absence of any interim order or any restraint order, the first

respondent purchased the property from the second respondent. Therefore, she is a proper party to decide the questions between the parties. Hence, the trial Court impleaded herself as a party, which need not be interfered with.

6. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.06.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The Principal District Munsif Court,
Valliyoar.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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