

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.3 of 2022

and

C.M.P.(MD)No.42 of 2022

S.Natarajan

... Petitioner/Petitioner/Third Party

Vs.

1.R.Sugantha

...1st Respondent/1st Respondent/Plaintiff

2.M.Abbas

3.J.Balamurugan

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

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair order and Decretal order, dated 01.10.2021 made in I.A.No.03 of 2020 in O.S.No.06 of 2020 on the file of the District Munsif Court, Theni.

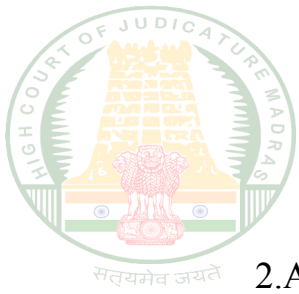
For Petitioner : M/s.R.Suriyanarayanan

For Respondents : Mr.V.Maharajan for R1
No appearance for R2 & R3

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ORDER

The instant revision petition has been filed by a third party to O.S.No.6 of 2020 on the file of the District Munsif Court, Theni, challenging the order of dismissal of his impleading application.



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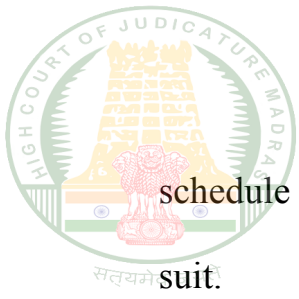
2.A perusal of the plaint reveals that the first respondent in the revision had filed the above said suit seeking the prayer for permanent injunction and declaration over the second item of the property.

3.According to the plaintiff in the suit, the defendants 1 and 2 are the third party to the property and they have no right whatsoever over the property.

4.In the said circumstances, the present application has been filed by a third party/revision petitioner, namely, S.Natarajan, seeking to implead himself as a third defendant in the suit. A perusal of the averments in the said I.A. reveals that the petitioner claims possession over the said property on the basis of the decree in O.S.No.59 of 1996. According to the third party, he had filed E.P.No.21 of 2004 and he had taken possession of the property through Court.

5.The plaintiff in the said suit had filed counter contending that the third party revision petitioner was one of the co-owners and he was not successful up to the Hon'ble Supreme Court with regard to the suit schedule properties.

6.According to the learned counsel appearing for the plaintiff, the present proposed party was the fourth defendant in O.S.No.133 of 1992 and he was not successful upto the Hon'ble Supreme Court, with regard to the present suit



schedule properties and therefore, he is not the necessary party to the present suit.

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7.The trial Court has categorically found that the plaintiff is the *dominus litus* and the third party cannot insist that he should be impleaded in the present suit. This Court finds that there is no illegality or infirmity in the order passed by the trial Court.

8.It is needless to point out that the decree in the suit will not bind the non-parties.

9.In view of the above said facts, there are no merits in the present revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

03.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To
The District Munsif Court, Theni.



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and C.M.P.(MD)No.42 of 2



R.VIJAYAKUMAR, J.

RJR

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03.02.2025