



C.R.P.(MD)No.2367 & 2345 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.2345 & 2367 of 2022

and

C.M.P.(MD)No.11341 of 2022

C.R.P.(MD)No. 2345 of 2022

V.Mahesh

...Petitioner

Vs.

1.R.K.Ramachandran

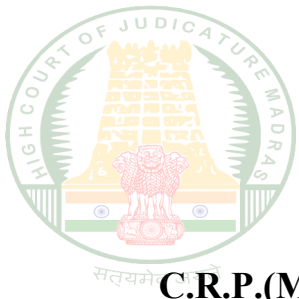
2.Thankavel

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order in I.A.No.6 of 2021 in O.S.No.121 of 2012 passed by the District Munsif Court, Eraniel dated 14.07.2022.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : No Appearance



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Mahesh

...Petitioner

Vs.

Thankavel

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order in I.A.No.5 of 2021 in O.S.No.121 of 2012 passed by the District Munsif Court, Eraniel dated 14.07.2022.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : No Appearance

COMMON ORDER

These petitions have been filed seeking to set aside the fair and decreetal orders in I.A.Nos.6 & 5 of 2021 in O.S.No.121 of 2012, passed by the District Munsif Court, Eraniel dated 14.07.2022.

2.Learned Counsel for the petitioner would submit that the present Civil Revision Petitions have been filed by the petitioner / defendant, challenging the order of impleadment of one R.K.Ramachandran in O.S.No.121 of 2012 and the



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order of dismissal passed by the trial Court in the petition filed by the very same petitioner in I.A.No.5 of 2021, for releasing a document which was marked before the Court, enabling the petitioner to obtain loan from the bank.

3.Since the issues arising are one and the same, it is disposed of as a common order.

4.The petitioner is the defendant in the suit in O.S.No.121 of 2012. The second respondent / plaintiff filed a suit for declaration to declare the 'A' schedule properties belong to the petitioner and for recovery of possession. In respect of the 'B' schedule property, claiming for demarcation and for putting up boundary on the western side of the suit 'B' schedule property. He would further submit that when the suit was pending, one R.K.Ramachandran filed I.A.No.6 of 2021, for impleading himself as party and the same was allowed. Challenging the same, the present Civil Revision Petition has been filed.

5.Learned Counsel for the petitioner would submit that it is a purely a civil dispute between the petitioner and the second respondent, in which the first respondent / third party has nothing to do and he is not a necessary party. However, the trial Court allowed the said I.A., which needs to be interfered



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with. Accordingly, he prays for appropriate orders.

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6.Learned Counsel for the petitioner would further submit that for some family needs to obtain loan from the bank, it is necessary that the document which was sought by the petitioner to be released. Further, the said document relating to 'B' schedule property has nothing to do with the suit filed by the respondent and the said document exclusively belong to the petitioner. Therefore, the order of the trial Court declining the request of the petitioner for releasing the said document enabling the petitioner to mortgage the document is untenable and needs interference by this Court.

7.Though the names of the respondents are printed in the cause list, there is no representation on their behalf.

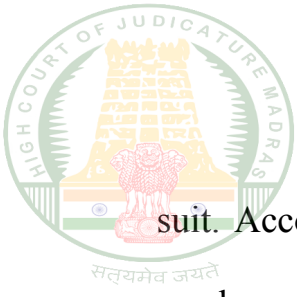
8.Heard the learned counsel for the petitioner.

9.In respect of the impleading petitioner, the first respondent claims that the first respondent is the Trust and he claims that the second respondent / plaintiff has already executed a gift deed in respect of the first respondent Trust.



However, the very same property is the property in dispute in O.S.No.121 of 2012, for which he wants to implead himself as party. Apart from that, the very same petitioner filed a suit for specific performance as against the respondents in O.S.No.40 of 2012 and the very same first respondent was impleaded as party in O.S.No.40 of 2012. However, this Court is unable to understand as to why the petitioner is now objecting for impleadment of the said R.K.Ramachandran. Thereby, the trial Court has rightly impleaded the first respondent, who is an interested party, which need not be interfered with by this Court.

10.In respect of I.A.No.5 of 2021, filed by the petitioner for releasing a document marked by him as Ex.B.2, for the purpose of mortgaging the said document with a nationalized bank, if the trial Court allows the petitioner to mortgage the said document, third party interest will be created and it will affect the suit interest. Though, it is claimed by the petitioner that the said document absolutely belongs to the petitioner and it has nothing to do with the 'B' schedule property, however, releasing the said document and enabling the petitioner to mortgage the same would create third party interest. Further, the first respondent claims that a portion of the property is encroached by the petitioner, for which the said document is necessary to decide the issue. If the same is allowed to be encumbered with the third party, then it will affect the



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suit. Accordingly, the order passed by the trial Court is perfectly in order and needs no interference by this Court.

11. Accordingly, these Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.08.2025

Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The District Munsif Court,
Eraniel.
- 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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