



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2530 of 2022

and

C.M.P.(MD).No.12429 of 2022

A.K.Thangavel

...Petitioner

Vs.

1.R.Thangapandi

2.A.Aandammal

3.A.Kumarammal

4.The Correspondent,
S.P.M. Ox Board Matriculation School,
Kalancipattai Village,
Oddanchatram Taluk,
Dindigul District.

...Respondents

PRAYER: Civil Revision Petition is filed under under Article 227 of Constitution of India to set aside the fair and decreetal order made in I.A.No.1 of 2022 in O.S.No.190 of 2016 passed by the District Munsif Court, Oddanchatram, dated 27.10.2022.

For Petitioner

: Mr.D.Venkatesh

For R1

: Mr.R.Nandhakumar

For R2 & R3

: Mr.A.Robinson



For R-4

: No Appearance

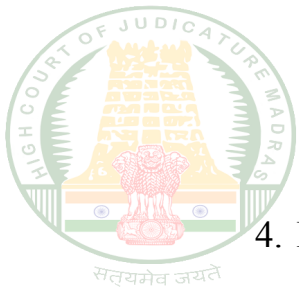
ORDER

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This petition has been filed seeking to set aside the fair and decreetal order made in I.A.No.1 of 2022 in O.S.No.190 of 2016 passed by the District Munsif Court, Oddanchatram, dated 27.10.2022.

2. The petitioner herein filed a suit in O.S.No.190 of 2016 before the District Munsif Court, Oddanchatram, against the first respondent seeking declaration and permanent injunction in respect of the suit schedule property. Pending the suit, the petitioner filed I.A.No.1 of 2022 under Order I Rule 10(2) CPC, praying to implead respondent Nos.2 to 4 as defendant Nos.2 to 4. The said application came to be dismissed by the trial Court on 27.10.2022. Aggrieved by the same, the present Civil Revision Petition has been filed.

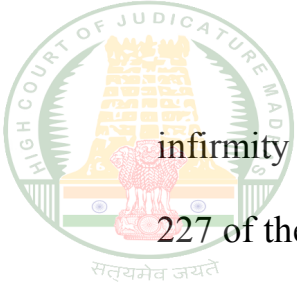
3. The learned counsel for the petitioner would submit that in the written statement filed by the first respondent, it is stated that respondent Nos.2 to 4 are the adjacent land owners in Survey No.228/2 and they have been in possession and enjoyment of their respective properties. Though they have not interfered with the petitioner's possession, in order to avoid future complications and multiplicity of proceedings, they are necessary and proper parties to the suit. Hence, the order of the trial Court dismissing the impleading petition is unsustainable.



4. Per contra, the learned counsel for the first respondent would submit that the suit property is situated in Survey No.187/B2 and the petitioner is admittedly the owner thereof. The respondents 2 to 4 have no manner of right over the suit property. Since they are not claiming any title or interest, their impleadment is unnecessary. The application has been filed only with an intention to delay and harass, and therefore, the trial Court rightly dismissed the petition.

5. Heard the learned counsel appearing on either side and perused the records.

6. It is well settled that for impleadment of parties, the test is whether such parties are necessary for an effective adjudication of the issues involved in the suit. In the present case, the subject-matter of the suit is the property situated in Survey No.187/B2. The claim of the petitioner is for declaration and injunction as against the first respondent. The respondents 2 to 4, though adjacent land owners, have not set up any claim or right over the suit property. The petitioner has also admitted that they have not caused any obstruction. The apprehension of future complications is only speculative. In the absence of any rival claim, respondents 2 to 4 cannot be termed as necessary or proper parties. The trial Court has rightly dismissed the application and this Court finds no



infirmity or perversity in the said order warranting interference under Article 227 of the Constitution of India.

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7. In view of the foregoing discussion, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif Court, Oddanchatram.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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