



CRP(MD). No.3819 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3819 of 2025
and
CMP(MD) No.20108 of 2025**

N.Duraisamy

... Petitioner

Vs

1.Shanthi

2.The District Collector,
Collectorate, Trichy District.

3.The Tahsildar,
Manapparai Taluk,
Trichy District.

4.The Commissioner,
Manapparai Municipality,
Manapparai, Trichy District.

5.The Chairman,
Manapparai Municipality,
Manapparai,
Trichy District.

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair and decreetal order dated

1/9



CRP(MD). No.3819 of 2025

23.10.2025 passed in I.A.No.2 of 2023 in OS.No.283 of 2010 on the file of the learned Principal District Munsif Court, Manapparai, Trichy District.

For Petitioner : Mr.Nishanth for
Mr.B.Prahalad Ravi

ORDER

This Civil Revision Petition has been filed challenging the order dated 23.10.2025 passed in I.A.No.2 of 2023 in OS.No.283 of 2010 on the file of the Principal District Munsif Court, Manapparai, Trichy District.

2.The petitioner/plaintiff has filed a suit in O.S.No.283 of 2010 for the relief of permanent injunction, restraining the respondents 2 to 5/defendants, their men, agents, servants from interfering with the peaceful possession and enjoyment of the suit property in any manner along with other reliefs. Pending suit, the first respondent, who is a third party to the suit, filed an interlocutory application in I.A.No.2 of 2023 under Order I Rule 10 CPC seeking to implead herself as defendant in the suit. The trial Court had allowed the IA., vide order, dated 23.10.2025. Challenging the same, the present Civil Revision Petition has been filed.



CRP(MD). No.3819 of 2025

3.The learned counsel for the petitioner would submit that it is for the petitioner/plaintiff to choose who has to be made as a party in the suit as defendant and the petitioner has not sought for any relief as against the first respondent/proposed party, as she is neither a necessary party nor a proper party for adjudication of the suit. He would further submit that since the petitioner is a *dominus litus*, he cannot be forced to join the proposed party as defendant and the addition of the proposed party would also enlarge the issue in the suit.

4.He would further submit that though the suit had been filed in the year 2010, the first respondent has filed an application claiming title over the suit property for impleading herself as one of the defendants in the suit after a period of 13 years ie., in the year 2023, which is clearly barred by limitation. However, without considering all those facts properly, the trial Court had allowed the application filed by the first respondent, vide order dated 23.10.2025, stating that failure to allow the impleading application would amount to cause great prejudice to the first respondent's/proposed party's right. Hence, he called upon this Court to set aside the impugned order and grant relief as prayed for.



CRP(MD). No.3819 of 2025

5. Heard the learned counsel for the petitioner. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.

6. Admittedly, the petitioner filed O.S.No.283 of 2010 for permanent injunction along with other reliefs. Pending suit, the first respondent, who is a third party to the suit, filed I.A.No.2 of 2023 seeking to implead herself as defendant in the suit. The trial Court had allowed the IA., vide order, dated 23.10.2025 on the ground that the first respondent's right would be prejudiced in the event of not allowing the impleading application.

7. As far as the learned counsel for the petitioner's contention that the first respondent is neither a necessary party nor a proper party for adjudication of the suit, as the petitioner has not sought for any relief as against her, is concerned, right to implead a party under Order I Rule 10 CPC is discretionary in nature, to be exercised judiciously based on the stage of proceedings and the necessity of such party for a proper adjudication of the suit.



CRP(MD). No.3819 of 2025

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8.It is the specific case of the first respondent/proposed party that she has been in possession and enjoyment of the property for more than time immemorial. Even assuming that the plaintiff would get a decree in the suit, necessarily he has to take steps for recovery of possession of the suit property from the first respondent/proposed party. At that time, the possession sought for by the petitioner/plaintiff would be resisted/objected to by the proposed party. Of course, the remedy is always open and available to the proposed party to resist the said action as and when the petitioner/plaintiff comes forward with an application to take possession of the suit property, but one does not know when it will happen. Now, the proposed party having come to know that the petitioner/plaintiff has filed a suit for bare injunction has filed an application contending that she is in possession of the property, and thereby she justifies that she is necessary and proper party to the suit.

9.As it has already been pointed out that the petitioner/plaintiff has filed the suit for permanent injunction, but the first respondent/proposed party claims possession of the suit property, the issue with regard to the



CRP(MD). No.3819 of 2025

WEB COPY

possession is common to the parties to the suit and to third party, namely, the proposed party and the same can be settled in the suit itself. In order to avoid multiplicity of proceedings and for complete and effectual adjudication in respect of all the questions involved in the suit, this provision finds place in CPC. The intendment and object of the provision as could be gathered from the language used therein appears to me to adopt a liberal construction to enable the Court to determine all the questions relating to the subject matter of the suit arising not only between the parties to the suit but once and for all in the presence of all those parties, whose presence is necessary or proper for an effective and final adjudication.

10.I am also of the view that no prejudice would be caused to the petitioner/plaintiff by adding the first respondent/proposed party. If the first respondent/proposed party is not added, at the time of taking possession of the property in the event of petitioner/plaintiff succeeds in the suit, the first respondent/proposed party would resist and object for taking up possession and in the said event both the parties have to



CRP(MD). No.3819 of 2025

approach the Court once again and hence the same could be avoided by impleading the first respondent as party to the present suit.

11.Though the plea that the present application has to be rejected on the ground of limitation has not been raised before the trial Court and has been raised before this Court for the first time, the same has to be adjudicated before the trial Court, as no prejudice would be caused to the petitioner/plaintiff in allowing the application to implead the first respondent/third party.

12.In the said circumstances, I am of the view that the first respondent/proposed party is necessary and proper party, in whose presence only the suit could be adjudicated effectually and completely and therefore, I do not propose to interfere with the order passed by the Court below.

13.In fine, the Civil Revision Petition stands disposed of, with liberty to the petitioner to raise the ground of limitation before the trial Court and the prejudice caused to them. If the parties are questioning the



CRP(MD). No.3819 of 2025

title, it has to be agitated before the trial Court by way of filing a separate suit. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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17.12.2025

To

The Principal District Munsif,
Manapparai,
Trichy District.



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CRP(MD). No.3819 of 2025

N.SENTHILKUMAR, J.

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CRP(MD). No.3819 of 2025

17.12.2025