



C.R.P.(PD)(MD).No.57 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).No.57 of 2025
and CMP(MD).No.331 of 2025

Chinnamokkai

.... Petitioner/Petitioner/Third party

-VS-

1.Veeramani

...1st Respondent/Petitioner/Plaintiff

2.Muthukkamu Pillai

3.Veeriyaperumal

4.Veeramani

5.Kaamuthai

6.Amutha

....Respondents 2-6/Respondents
/Defendants

PRAYER: The Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.07.2024 passed in I.A.No.3 of 2023 in O.S.No.1 of 2023 on the file of the District Munsif Court, Theni and allow the present civil revision petition.



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For Petitioner : M/s.J.Anandhavalli
For Respondents : Mr.I.Romeo Roy Alfred for R1
: Mr.B.Christopher for R2 to R5
: No appearance for R6

ORDER

The third defendant to O.S.No.1 of 2023 on the file of the District Munsif Court, Theni has filed the above civil revision petition challenging the dismissal of his application to get himself impleaded in the suit.

2.It could be seen from the records that the first respondent as plaintiff has filed the above said suit for the relief of permanent injunction.

3.Pending suit, the revision petitioner has filed I.A.No.3 of 2023 seeking to implead himself in the suit that based upon an interim injunction order, the plaintiff is attempting to disturb his possession. However, the impleading application has been dismissed with various observations relating to the merits of the claim made by the revision petitioner. Challenging the same, the present civil revision petition has been filed.



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4.The learned counsel for the revision petitioner had contended that the petitioner is in possession of the property, but without impleading the revision petitioner, the respondents 2 to 6 herein are arrayed in the suit and an order of interim injunction has been obtained. Based upon the said interim order, the plaintiff is attempting to disturb his possession.

5.Per contra, the learned counsel for the first respondent/plaintiff submits that the revision petitioner is not in possession and will not use this interim injunction order or any decree passed in his favour granting permanent injunction as against the revision petitioner.

6.It is always open to the revision petitioner to protect his alleged protection by way of independent proceedings.

7.With the above said observations, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2025

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

msa



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To

- 1.The District Munsif, Theni
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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