WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

CRP No. 2961 of 2025
& CMP No. 16704 of 2025

CNR:{HCMA011525902025}

1. Bhuvaneshwari
2. Logaprabha
3. Karpagambigai

4. Pavithra Devi

..Petitioner(s)

Vs

1. A.O.Mouleeswaran

2. A. Ponnusamy

3. A. Krishnamoorthy

..Respondent(s)

PRAYER: This Civil Revision Petition filed under Article 227 of the

https://www.mhc.tn.gov.in/judis

WEB COPY

Constitution of India praying to set aside the Fair and Final Order dated 30.06.2025 passed in I.A.No.3 of 2024 in OS.No.158 of 2024, on the file of the District Munsif Cum Judicial Magistrate Court Annur at Coimbatore District.

For Petitioners : Mr. Ma.P.Thangavel
For Respondents : Mr.P.Tamilavel for R1
No appearance for R2 & R3

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.6.2025 passed in I.A.No.3 of 2024 in O.S.No.158 of 2024 on the file of the District Munisf Cum Judicial Magistrate Court, Annur wherein the application filed by the petitioners under Order I Rule 10 of the Civil Procedure Code (CPC) seeking to implead themselves as defendants 3 to 6 in the suit came to be rejected.

2. Heard the learned counsel appearing on either side and perused the materials available on record and more particularly the impugned order.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The 1st respondent is the plaintiff who filed the suit in O.S.No.158 of 2024 seeking for the relief of declaration to declare that the plaintiff is entitled to draw water from common bore well and for permanent injunction restraining the defendants from interfering with the said right and for other consequential reliefs.

4. In the said suit, the petitioners filed I.A.No.3 of 2024 under Order I Rule 10 of the CPC to implead themselves as defendants 3 to 6 on the ground that they also have a right over the common well and that by virtue of the interim order of injunction granted in favour of the plaintiff, they were not allowed to use the common well.

5. The Court below dismissed the application based on the compromise decree dated 21.1.2002 that was passed in O.S.No.130 of 2001 on the file of the District Munsif Court, Avinashi and the Court below found that the petitioners had not made out a case to establish that they were necessary or proper parties to the proceedings. Aggrieved by the said order, the above revision has been filed before this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. When the matter is taken up for hearing today, the learned counsel for the petitioners brought to the notice of this Court that O.S.No.1041 of 2025 on the file of the Fifth Additional District Court, Coimbatore has been filed by the petitioners seeking for the relief of declaring the compromise decree dated 21.1.2002 passed in O.S.No.130 of 2001 was not binding on them and for other consequential reliefs and it is still pending.

7. The learned counsel for the petitioners has also brought to the notice of this Court that the 1st respondent/plaintiff has filed another suit in O.S.No.255 of 2024 before the District Munisf Cum Judicial Magistrate Court, Annur wherein he is claiming the right over the cart track/pathway which is also as a result of the compromise decree passed in O.S.No.130 of 2001 dated 21.1.2002.

8. The present suit has been filed claiming right to draw water from the common well, which is again based on the compromise decree that was passed in O.S.No.130 of 2001 on 21.1.2002.

https://www.mhc.tn.gov.in/judis

WEB COPY

9. The Court below, while dismissing the said application, heavily relied upon the compromise decree dated 21.1.2002 that was passed in O.S.No.130 of 2001 by the District Munsif Court, Avinashi.

10. When the compromise decree itself has been put to challenge in O.S.No.1041 of 2025 by the petitioners, in which, the present plaintiff has been arrayed as the 6th defendant and the defendants in the present suit have been arrayed as the 2nd and 3rd defendants, it will be more appropriate if all the suits are tried together by the same Court. This is more so since the defendants, who have been impleaded in the present suit, have chosen not to contest the present suit and they remained *exparte* and the matter is posted for *exparte* evidence. The same is the case with the suit that has been filed in O.S.No.255 of 2024 claiming the right over the cart track/ pathway.

11. In the light of the above discussions, this Court is inclined to tag the present suit in O.S.No.158 of 2024 and O.S.No.255 of 2024 pending before the same Court, to be tried along with the suit filed in

https://www.mhc.tn.gov.in/judis

WEB COPY

O.S.No.1041 of 2025 pending on the file of the Fifth Additional District Court, Coimbatore. This will effectively prevent multiplicity of proceedings and contradicting judgments that may be passed by various Courts.

12. In the light of the above discussion, the suit filed by the 1st respondent/plaintiff in O.S.No.158 of 2024 and O.S.No.255 of 2024 pending on the file of the District Munisf cum Judicial Magistrate, Annur is withdrawn and transferred to the file of the Fifth Additional District Court, Coimbatore to be tried along with O.S.No.1041 of 2025. The original records in both the suits in O.S.Nos.158 and 225 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Annur shall reach the Fifth Additional District Court, Coimbatore within a period of four (4) weeks from the date of receipt of a copy of this order.

13. It is brought to the notice of this Court that the suit in O.S.No.1041 of 2025 is now at the stage of framing of issues.

https://www.mhc.tn.gov.in/judis

WEB COPY

14. The Fifth Additional District Court, Coimbatore shall take all steps to dispose of all the suits on their own merits and in accordance with law after giving opportunity to all the parties concerned within a period of one year from the date of receipt of a copy of this order.

15. In result, this Civil Revision Petition is disposed of in the above terms. Consequently, the CMP is closed.

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

To
1. The Fifth Additional District Court, Coimbatore.

2. The District Munsif Cum Judicial Magistrate Court, Annur at Coimbatore District.

3. The District Munsif Court, Avinashi.

ksk / arl

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH J.

KSK

CRP No.2961 of 2025&
CMP No. 16704 of 2025

29-10-2026

https://www.mhc.tn.gov.in/judis