

**S. Murugan Vs. Rasu and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/1185771](http://sooperkanoon.com/1185771)

**Court :** Chennai

**Decided On :** Feb-10-2017

**Judge :** T. Ravindran

**Appeal No. :** C.R.P(PD) No. 397 of 2017 & CMP.No. 1850 of 2017

**Appellant :** S. Murugan

**Respondent :** Rasu and Others

**Judgement :**

(Prayer: Civil Revision Petition has been filed against the decreetal order dated 02.11.2016 made in I.A.No.223 of 2015 in O.S.No.29 of 2013 on the file of District Munsif Cum Judicial Magistrate, Nannilam.)

1. On the plea that with reference to the extent available in the suit Survey Number as well as joint patta of the parties concerned, the revenue records have to be amended, the plaintiff has moved an application before the Trial Court under Order 1 Rule 10(2) Section 151 C.P.C for impleading the brother of the defendant and another person and also the government officials.

2. The suit has been laid by the plaintiff for recovery of possession and permanent injunction against the defendant.

3. It is not the case of the plaintiff that the proposed parties are also attempting to interfere with the enjoyment of the suit property. As such, it is also not the case of

the plaintiff that the proposed parties have illegally encroached into any portion of the suit property. Therefore, it is evident, as rightly found by the trial court, that the proposed parties are not in any way connected with the cause of action pleaded by the plaintiff and also not proper and necessary parties for adjudicating the issues in the suit. It is found that the plaintiff instead of resorting to other course of action against the proposed parties, has wrongly come forward with an application to implead them in the present suit.

4. The Trial Court giving cogent reasons which cannot be legally assailed, dismissed the petition filed by the plaintiff. No interference is called for and hence the Civil Revision Petition is dismissed. Consequently connected miscellaneous petition is closed.

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