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CRP No. 2140 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 2140 of 2017
and CMP No.10248 of 2017**

1. Pappammal
W/o Munusamy, Arambakkam,
Thirukalukundram Tk, Kancheepuram Dt.

Petitioner(s)

Vs

1. G.Vasantha
W/o Govindasamy All Are Res At
Arambakkam Village, Thirukalukundram Tk,
Kancheepuram Dt.

2.G.Ramachandran
S/o Govindhasamy

3.Vedavalli
W/o Padmanaban

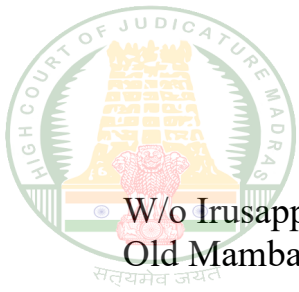
4.Usharani
D/o Govindasamy

5.Nagarathinam
S/o Govindasamy

6.Gnanambal
D/o Govindasamy

7.Muniammal

1/6



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W/o Irusappan, No 5, Brindavan Street,
Old Mambalam, Chennai 600 033

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Respondent(s)

Revision filed under Section 115 of Civil Procedure Code to set aside the fair and decretal order dated 31.08.2016 made in I.A.No.73 of 2015 in A.S.No.15 of 2011 on the file of Principal Subordinate Court, Chengalpattu.

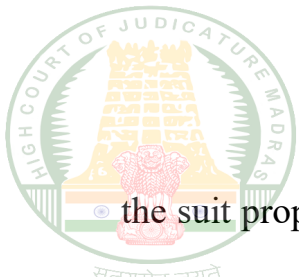
For Petitioner(s): Mr.M.Kemprij

For Respondent(s): No appearance

ORDER

Despite service of private notice on the counsel for the 7th respondent, there is no appearance on the side of the seventh respondent. Heard Mr.M.Kemprij, learned counsel for the petitioner. The respondents 1 to 6 have also not chosen to appear and despite paper publication as well, there is no appearance on the side of the respondents 1 to 6. In fact, private notice was also served on the counsel appearing for the respondents 1 to 6 before the trial Court as well. The legal representatives of the original plaintiff Govindasami are respondents 1 to 6 are the plaintiffs/appellants.

2.Mr.M.Kemprij, learned counsel for the petitioner states that pending first appeal in A.S.No.15 of 2011 against the decree for permanent injunction, the petitioner sought to implead herself in the first appeal contending that she is the absolute owner of



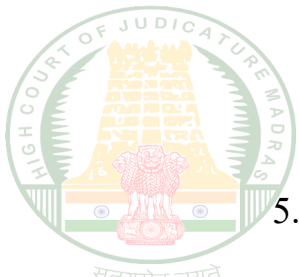
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the suit property and in exclusive possession of the same, The petitioner claims to have purchased the property under a Registered Sale Deed dated 08.10.1959 and has been in possession, raising agricultural crops in the said property. It is the categorical case of the petitioner that without any right, one Annamalai and the 7th respondent colluded between themselves and filed a suit in O.S.No.84 of 1998 as if Annamalai was the lawful owner of the suit property and a Lok Adalat Award was also passed in CMA No.28 of 2003. Mr.M.Kempuraj's primordial submission is that the Lok Adalat Award will not bind third parties especially the lawful owner, the petitioner, who is in possession. Admittedly, the petitioner is not a party to the suit proceedings or the appeal proceedings and pending the appeal, the petitioner has sought to implead herself.

3. The suit is one for permanent injunction to restrain the defendants in the suit from interfering with the alleged peaceful possession and enjoyment of the plaintiff.

4. It is needless to state that since the petitioner claims independent right and title and has not been arrayed as party and there is no allegation as against the petitioner, who is a stranger to the proceedings, any decree *inter se* the plaintiff and the defendants will certainly not bind the revision petitioner.



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5. The first appellate Court has found that the petitioner did not seek to implead herself pending the trial Court and also not stated as to why the presence of the petitioner was necessary for the effective disposal of the first appeal.

6. I do not find any infirmity in the order. However, it is clarified that in the event of the decree passed in favour of the respondents 1 to 6 being sustained in the first appeal filed by 7th defendant as appellant in A.S.No.15 of 2011, it will certainly not bind the revision petitioner who is a third party and under the guise of the decree in favour of the respondents 1 to 6, the plaintiff or vice-verse, the parties to A.S.No.15 of 2011 shall not put the decree against the revision petitioner, in any manner, whatsoever.

7. With the above observation, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

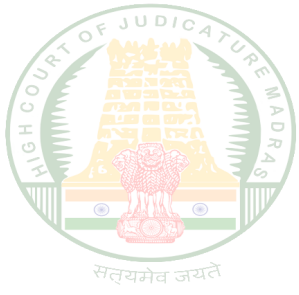
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Index:yes/no

Website:yes/no

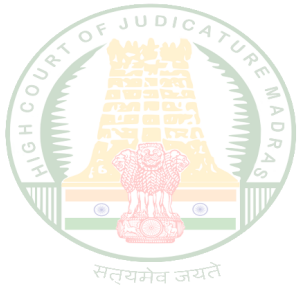
Speaking Order/Non-speaking Order



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To

The Principal Subordinate Court, Chengalpattu.



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