
(1932) 03 MAD CK 0039
In the Madras High Court

Srila Sri Subramaniya Desika Gnana Sambanda Pandara
Sannadhi

APPELLANT

Vs

R. Ananthakrishnaswami Naidu

RESPONDENT

Date of Decision : 09-03-1932

Acts Referred:

Citation : AIR 1932 Mad 688 : (1932) 36 LW 378

Hon'ble Judges : Anantakrishna Ayyar, J;Anantakrishna Aiyar, J

Bench : Division Bench

Judgement

Anantakrishna Ayyar, J.—The suit which was filed . in 1927 is based on a registered lease deed executed by the defendant, and is in

ejectment, The defendant has by a supplemental written statement filed by him set up the right of the Government to the land in dispute. On an

application made by the defendant the learned District Munsif has ordered that the Secretary of State should be made a supplemental defendant to

the suit. The Civil Revision Petition is against that order of the learned District Munsif, The District Munsif observed as follows, in his order:

There is no force in the plaintiff's objections. As the Government is a necessary party, it shall be added subject to the condition that the petitioner

(defendant) shall not be liable but only the plaintiff shall be liable for costs of the Government in case of dismissal of the plaintiff's suit.

2. No reasons have been given why the Government is a necessary party"" to a suit in ejectment by a landlord of his tenant on the basis of a lease

deed executed by him. Prima facie persons claiming adverse rights to the plaintiff's title should not be made parties, in the absence of special

circumstances: Venkata, Ghetty v. Aiyanna Goundan [1917] 40 Mad. 561, Abdul Gafur and Others Vs. Ali Miah, Sub-Registrar, and Bankala

Vittil Usman Koya and Another Vs. Chidriamokkausa Akoth and Another, . No special circumstances have been found by the District Munsif in

his order. I am unable to uphold the District. Munsif's order, which is hereby set aside with costs. This order of mine will not in any way prejudice

the defendant from raising and substantiating any valid defences he may have in law or on facts.