

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1414 of 2015 &

M.P.No.1 of 2015

P.G.Vijayakumar

... Petitioner

v.

1.Alpana Bardia
Rep. By her Power Holder
Sunil Kumar Jain

2.Titus Eapen

3.Shelia Eapen

4.Official Assignee
High Court, Madras

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.12.2014 made in I.A.No.19631 of 2011 in O.S..No.13456 of 2010 on the file of II Additional District and Sessions Court, Chennai.

For Petitioner : Mr.TL.Tirumalaisamy

ORDER

Aggrieved over the fair and final order passed in I.A.No.19631 of 2011 in O.S.No.13456 of 2010 on the file of II Additional District and Sessions Court, Chennai, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff has filed the suit in O.S.No.13456 of 2010 to set aside the ex parte final decree dated 26.2.1997 made in I.A.No. 2531 of 1996 in C.S.No.1362 of 1992. The said suit was filed in the year 2010. Thereafter, the plaintiff filed an application in I.A.No.19631 of 2011 to implead the Official Assignee, High Court of Madras, as 4th defendant.

3. The trial court, after taking into consideration the case of both the parties, dismissed the application finding that the plaintiff has not filed any document to substantiate the prayer to implead the Official Assignee as the defendant in the suit.

4. The suit was originally filed in the year 1999 as C.S.No.708 of 1999 and the petitioner was fully aware of the proceedings against the respondents 2 and 3. However, in spite of having knowledge about the insolvency proceeding, the plaintiff has not taken any steps to implead the Official Assignee as a party in the suit. Further, the present application has been filed after a lapse of six years to fill up the lacuna.

5. In these circumstances, the trial court has rightly dismissed the application filed by the plaintiff. Hence, the Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2015

Index : No
Internet : Yes

Rj

To

The II Additional District and Sessions Court,
Chennai.

M. DURAISWAMY,J.,

Rj

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