

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)Nos.2604, 2609 & 2664 of 2015 &
M.P.Nos.1 of 2015 (3 MPs)

1.K.Raman

2.K.Lakshmanan

... Petitioners in all CRPs

v.

1.R.Balasubramaniam

... 1st Respondent in C.R.P.No.2605/2015

1.Shanmugasundaram

... 1st Respondent in C.R.P.No.2609/2015

1.R.Balu

... 1st Respondent in C.R.P.No.2664/2015

2.The Official Receiver,
Salem,
Salem District
(R-2 not pressed in
the CRP)

... Respondents in all CRPs

Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 02.12.2014 made in I.A.Nos.562 of 2014, 565 of 2014 and 563 of 2015 in O.S.Nos.367 of 2010, 368 of 2010 and 366 of 2010 on the file of learned 2nd Addl. Subordinate Judge, Salem.

For Petitioners : Mr.R.N.Amarnath

COMMON ORDER

Aggrieved over the fair and final orders passed in I.A.Nos.562 of 2014, 565 of 2014 and 563 of 2015 in O.S.Nos.367 of 2010, 368 of 2010 and 366 of 2010 on the file of II Additional Subordinate Judge, Salem, the defendants have filed the above Civil Revision Petitions.

2. The plaintiff filed the suits in O.S.Nos.367 of 2010, 368 of 2010 and 366 of 2010 for declaration and permanent injunction. The defendants filed their written statement and are contesting the suit. Subsequently, the defendants filed the applications in I.A.Nos.562 of 2014, 565 of 2014 and 563 of 2015 under Order I, Rule 10 of CPC to implead the Official Receiver as 3rd defendant in the suits.

3. In the affidavits filed in support of the applications, the defendants have stated that the Official Receiver is a proper and necessary party for the reason that the properties were purchased from the Official Receiver in the year 1967. The suits were filed by the plaintiff to declare that they are absolutely entitled to the suit properties by virtue of the sale deeds executed in their favour by the Official Receiver about 45 years ago. Therefore, by impleading the Official Receiver no useful purpose will be attained. That apart, the Official Receiver is not a proper and necessary party after a lapse

of so many years. In these circumstances, the Trial Court has rightly dismissed the applications.

4. In view of the above, I do not find any reason to interfere with the orders passed by the Trial Court. The Civil Revision Petitions are devoid of merits and are liable to be dismissed. Since the suits are pending from 2010, I direct the II Additional Subordinate Judge, Salem to dispose of the suits in O.S.Nos.367 of 2010, 368 of 2010 and 366 of 2010 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order, without being influenced by any of the observations given by the Trial Court in the orders dated 02.12.2014 made in I.A.Nos.562 of 2014, 565 of 2014 and 563 of 2015 or in these Civil Revision Petitions. It is also open for the petitioners-defendants to take subpoena to the Official Receiver to examine the Official Receiver on their side.

With these observations, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : No
Internet : Yes

22.07.2015

Rj

To
XVI Assistant Judge,
City Civil Court, Chennai.

M. DURAISWAMY,J.,

Rj

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