

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD)No.3701 of 2015 and
M.P.No.1 of 2015

S.Jambagavalli

... Petitioner

vs.

1.Dr.T.Shanmugam
2.Dr.Kalyani Shanmugam
3.Meera Rajagopal
4.V.Sudhakar

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 03.03.2015 passed by the Hon'ble XVIII Assistant City Civil Court at Chennai in I.A.No.14997 of 2014 in O.S.No.5573 of 2012.

For Petitioner

: Mr.Sathyanarayana for
Mr.J.Lourde Thomas Sateesh

ORDER

The revision petitioner herein filed I.A.No.14997 of 2014 in O.S.No.5573 of 2012 on the file of XVIII Assistant Judge, City Civil Court, Chennai, under Order 1 Rule 10(2) of CPC, to implead her as one of the parties. The Trial Court rejected the said application on 03.03.2015. This revision petition is against the said order, dated 03.03.2015 made in I.A.No.14997 of 2014.

2. Respondents 1 and 2 filed O.S.No.5573 of 2012 claiming damages against respondents 3 and 4. In the suit, respondents 3 and 4 herein are shown in their individual capacity and not representing the association.

3. In such circumstances, the Trial Court came to the conclusion that the revision petitioner is not a necessary party and hence, rejected the application.

4. It is useful to refer to the following passages found in paragraph 4 of the order dated 03.03.2015 made in I.A.No.14997 of 2014 in O.S.No.5573 of 2012:-

"On perusal of records, though O.S.No.7926 of 2008 was filed against the Association but the respondents 1 and 2, who are the plaintiffs herein filed the present suit claiming damages against the defendants/R3 & R4 only in their individual capacity alleging that they are causing nuisance to the petitioner. The petitioners had not sought for any relief against the co-owners or association. When no relief has been claimed against the petitioner and when the present suit has been filed for damages against R3 and R4 in their individual capacity, the presence of the petitioners are not required for complete and effective adjudication of this suit. She is neither a necessary party nor property party to the suit."

5. I do not find any infirmity in the order passed by the Trial Court.
The Civil Revision Petition fails and accordingly, the same stands dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

21.09.2015

Index : Yes/No

svki

To
XVIII Assistant Judge,
City Civil Court, Chennai

D.HARIPARANTHAMAN,J.,

svki

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