

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.952 of 2015

And

M.P.No.1 of 2015

Nirmala Nandakumar rep.
by Power Agent P.Pandurangam

... Petitioner

Vs.

1.K.Ashok Kumar

2.Sridhar Kothandaraman
rep. by his Power Agent
Mr.R.Vimal Shanmugam

3.C.Karuppuswamy

4.M.Sivagami

5.M/s.Aajeeth Builders
represented by its proprietor A.Dharaniraj ... Respondents

Prayer:

Petition filed under Article 227 of Constitution of India praying to set aside the order dated 27.01.2015 made in I.A.No.326 of 2014 in O.S.No.87 of 2012 by the III Additional District Judge Tiruvallur and thereby consequently allow the petition as prayed for in the said I.A.No.326 of 2014 in O.S.No.87 of 2012.

For Petitioner : Mr.N.Saravana
for M/s.Arulselvam Associates

ORDER

This revision is directed against the order passed by the III Additional District Judge Tiruvallur at Poonamallee in I.A.No.326 of 2014 in O.S.No.87 of 2012.

2.The first defendant in O.S.No.87 of 2012 is the petitioner before this Court. The first respondent has filed a suit against the petitioner and the respondents 2 to 4 for partition claiming ½ share of the suit property and also for other relief.

3.In the suit, the petitioner filed I.A.No.326 of 2014 under Order 1 Rule 10(2) CPC to implead Aajeeth builders as defendant in the suit.

4.In the affidavit filed in support of the petition, the petitioner has averred that a construction agreement was entered into between the plaintiff and the first defendant to construct the plaint B Schedule property, but it was not done as per the original agreement. So the builder is necessary party to the suit. The application was opposed by the respondents by filing a counter. The Trial Court rejected the application. Challenging the order, the present revision is filed.

5.The learned counsel for the petitioner submitted that the

plaintiff has not constructed the building as per the original plan and therefore, the proposed party is a necessary and proper party to the suit.

6.I am not able to agree with the contention of the learned counsel for the petitioner. It is seen that the proposed party does not have any interest in the suit property. The petitioner can examine a person from the proposed party to establish his case. The Trial Court has rightly rejected the application which does not warrant interference of this Court.

7.In the result, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

10.03.2015

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To

1.The III Additional District Judge Tiruvallur.

K.KALYANASUNDARAM,J.

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