



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.2564 of 2015

Thankaraj

.. Petitioner/Petitioner/Plaintiff

Vs.

Selvaraj

.. Respondent/Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 23.07.2015 passed in I.A.No.46 of 2015 in O.S.No.346 of 2009 on the file of 2nd Additional District Munsif, Kuzhithurai.

For Petitioner : Mr.M.P.Senthil

ORDER

The fair and decretal order dated 23.07.2015 and made in I.A.No.46 of 2015 in O.S.No.346 of 2009 on the file of the II-Additional District Munsif, Kuzhithurai are under challenge in this revision. The revision petitioner herein, is the plaintiff in the suit O.S.No.346 of 2009 whereas the respondent is the defendant.

2. It is apparent from the records that the revision petitioner has filed the Suit as against the respondent herein, who is the defendant, seeking the relief of permanent injunction as well as mandatory injunction. Necessary issues have been formulated after filing the written statement, and then trial was commenced. After completion of recording of evidences on the defendant's side, the revision petitioner has taken out an Interlocutory Application in I.A.No.46 of 2015 under Order 1 Rule 10(2) of the Code of Civil Procedure, to implead one V.L.Jeyaraj Singh, S/o.Vargees, as one of the defendants. That application was dismissed by the trial court on the ground that it was filed belatedly, that too, after the completion of recording of the evidence on the side of the defendants. This order has been challenged in this revision petition.

3. Mr.M.P.Senthil, learned counsel appearing for the petitioner has indicated the mistake of not arraying the proposed defendant as one of the respondents in the petition in I.A.No.46 of 2015 and therefore he has urged before this Court that the petition might be remitted back to the trial court with the liberty to the revision petitioner/plaintiff to array the proposed defendant V.L.Jeyaraj Singh, as one of the respondents in the petition.

4. Considering the facts and circumstances of the case, this Civil Revision Petition is disposed of after setting aside the impugned order. The application in I.A.No.46 of 2015 is remitted back to the trial Court with a direction to dispose of the Interlocutory Application No.46 of 2015 after the inclusion of the proposed defendant in the petition,



within a period of fifteen days from the date of receipt of a copy of this order, without loss of further time after issuing notice to the proposed respondent. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AE)

WEB COPY

/True Copy/

Sub Assistant Registrar.

To

The II-Additional District Munsif, Kuzhithurai.

+1CC to Mr.M.P.Senthil, Advocate, SR.No. 68981

C.R.P (MD) No.2564 of 2015
03.12.2015

AM/15.12.2015/SK.SKN/SAR-I/2P/3C