

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) Nos.4591 and 4592 of 2014
and M.P.No.1 of 2014

1. R.Lakshminarayanan
Rep. by his Power Agent
S.Rajendran ... Petitioner in CRP(PD)No.4591/2014
2. V.Arunmozhi ... Petitioner in CRP(PD)No.4592/2014

Versus

1. K.V.Sathyanarayanan
 2. Sekar
 3. Murugan ... Respondents in both CRPs.
- (Respondents 2 and 3 remained
ex parte)

Prayer in CRP(PD)No.4591 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 24.10.2014 passed in I.A.No.444 of 2014 in O.S.No.234 of 2014 passed by the learned First Additional District Munsif, Puducherry.

Prayer in CRP(PD)No.4592 of 2014: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 24.10.2014 passed in I.A.No.445 of 2014 in O.S.No.234 of 2014 passed by the learned First Additional District Munsif, Puducherry.

For Petitioner		
in both CRPs.	:	Mr.R.Sreedhar
For R-1 in both		
CRPs.	:	Mr.K.V.Subramaniam,
		Senior Counsel
		for Mr.A.S.Narasimhan
For R2 & R3	:	Given up

COMMON ORDER

The petitioner in CRP(PD) No.4591 of 2014 filed an application in I.A.No.444 of 2014 in O.S.No.234 of 2014 to implead him as a party to the suit. The petitioner in CRP(PD)No.4592 of 2014 also filed an application in I.A.No.445 of 2014 in O.S.No.234 of 2014 to implead him as a party to the suit. The learned First Additional District Munsif dismissed both the applications with a finding that the petitioners therein are neither necessary parties nor proper parties for an effective disposal of the suit in O.S.No.234 of 2014. Feeling aggrieved, the petitioners are before this Court.

2. The learned counsel for the petitioners submitted that the petitioners purchased a portion of the property, which is the subject matter in O.S.No.234 of 2004 and as such, they have filed impleading petitions in I.A.Nos.444 and 445 of 2014 to implead them as parties to the Suit in O.S.No.234 of 2014. The learned Trial Judge erred in dismissing the applications.

3. The learned Senior Counsel for the first respondent, by placing reliance on the order dated 25.11.2015 in CRP(PD)No.2655 of 2015, contended that a similar application filed by a third party has already been dismissed by this Court and as such, the issue raised herein is squarely covered by the said decision.

4. There is no dispute that the petitioners were not parties to the suit in O.S.No.234 of 2014. The first respondent has not made any claim against the petitioners in the said suit. The petitioners filed the applications in I.A.Nos.444 and 445 of 2014 with a contention that they being the purchaser of a portion of the property, are entitled to contest the matter. The learned Trial Judge dismissed the applications with an observation that it is always open to the petitioners to work out their remedy in the manner known to law and more particularly by filing a separate suit.

5. There is no relief claimed by the first respondent against the petitioners herein. Such being the factual position, the learned Trial Judge was perfectly correct in dismissing the applications in I.A.Nos.444 and 445 of 2014 in O.S.No.234 of 2014. I do not find any error or illegality in the orders passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

6. In the upshot, I dismiss the Civil Revision Petitions. This order would not stand in the way of the petitioners to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2016

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K.K.SASIDHARAN, J.
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To

The First Additional District Munsif,
Puducherry.

CRP (PD) Nos.4591 and 4592 of 2014

25.10.2016
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