

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2016

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

**CRPPD.No.622 of 2014
and M.P.No.1 of 2014**

Annagar Senior Citizens Welfare Association,
rep.by its Secretary,
M.S.Varadharajan
No.35, W-179, Park Road,
Chennai 600 101.

.. Petitioner

Vs.

- 1.Annagar Western Extension Association,
rep.by its Secretary,
P.Vadivel,
13-B, Park Road,
Annanagar Western, Chennai 600 101.
- 2.M/s.Diamond Flat Owners' Association,
rep.by its President P.A.Veeraraghavan,
East Main Road, Block No.107,
Anna Naagar West Extension,
Chennai 600 101.
- 3.M/s.Diamond Flat Owners' Association,
rep.by its Secretary, Sri.Vedamanickam,
No.39/107, Diamond Flats,
Anna Naagar West Extension,
Chennai 600 101.

..Respondents

This Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and the decretal order dated 13.09.2013 made in

I.A.No.1196 of 2013 in O.S.No.2348 of 1997 on the file of the VIII Assistant City Civil Court, Chennai

For petitioner : Ms.N.Fidelia
For Respondents 2 & 3 : Mr.L.G.Sahadevan

ORDER

This revision challenges the order of the learned VIII Assistant Judge, City Civil Court, Chennai.

2.The first respondent/plaintiff has filed O.S.No.2348 of 1997 on the file of the learned VIII Assistant Judge, City Civil Court, Chennai, seeking for mandatory injunction. Petitioner has filed I.A.No.1996 of 2013 in O.S.No.2348 of 1997 to implead the third party petitioner.

3. The contention of the learned counsel for the petitioner is that the respondents 2 and 3 put up compound wall abducting the wicket gate which is used in public is the general and more specifically by the people residing in that locality. The trial Court while considering the petition for impleading found that the suit was already under trial and the examination of witnesses

were completed. Under those circumstances, the trial court dismissed the application seeking impleadment and against which, the petitioner has preferred the present revision petition.

4. The evidence of the trial court in the suit was already over, even before filing the impleading petition by the revision petitioner. Further the suit itself was filed by the residence Association viz., Anna Nagar Senior Citizens Welfare Association and impleadment may not be required for effective justification of the suit.

5. In view of the fact that the trial has already been completed, this court is not inclined to consider the representation of the petitioner and accordingly, the civil revision petition is devoid of merits and the same is hereby dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2016

Index : Yes/No
Internet : Yes/No
kkd

To

The VIII Assistant City Civil Court,
Chennai.

S.M.SUBRAMANIAM,J

kkd

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