

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2350 of 2016

and

C.M.P.No.12172 of 2016

Rajamani
W/o.Sundararaj

... Petitioner

vs

1.Sathish
S/o.Madhaiyan

2.Padmanabhan
S/o.Ramalingam

3.Sundarraaj
S/o.Chinnathambi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned I Additional Subordinate Judge, Salem, passed in I.A.No.875 of 2013 in O.S.No.92 of 2008 on 06.01.2015.

For Petitioner : Mr.R.Neelakandan

ORDER

This revision arises against the order of learned I Additional Subordinate Judge, Salem, passed in I.A.No.875 of 2013 in O.S.No.92 of 2008 on 06.01.2015.

2. Petitioner/plaintiff moved O.S.No.92 of 2008 on the file of learned Subordinate Judge, Salem, seeking setting aside of the decree passed in O.S.No.634 of 2002 dated 26.02.2003 and other consequential reliefs. Petitioner/plaintiff moved I.A.No.875 of 2013 seeking to implead her husband as party defendant in the suit. The Court below, under the impugned order, dismissed such application. There against, the present revision has been filed.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has informed that a suit in O.S.No.634 of 2002 on the file of learned I Additional Subordinate Judge, Salem, filed by second respondent/second defendant has been decreed in his favour on 26.02.2003 pursuant to which execution petitions were filed and a sale deed was executed by the Court on 30.03.2007. Seeking setting aside of such decree, the present suit has been filed in the year 2008. When the suit was at the stage of trial, petitioner/plaintiff has filed I.A.No.527 of

2010 to recognize her husband as a Power of Attorney and she has then withdrawn the same. Thereafter, the trial has commenced, proof affidavit has been filed by petitioner and she has also been examined in chief. At such stage, petitioner has filed the present application seeking to implead her husband as party defendant. The only reason afforded by petitioner is that her husband is the person who has knowledge about the transactions. Court below has reasoned that if such was the case, the petitioner could very well have jointly filed the suit or should have made her husband as defendant at the time of filing of the suit itself. Instead, the petitioner had chosen to file petition after petition purposely to delay the proceedings in the case. This Court does not find any error in the order under challenge.

The Civil Revision Petition is dismissed. No costs. Connected miscellaneous petition is closed.

03.08.2016

Index:yes/no
Internet:yes
gm

To
The I Additional Subordinate Judge,
Salem.

C.T.SELVAM, J

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