

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.2423 of 2016

and

C.M.P.No.12549 of 2016

1.Thara

2.K.Dharani

.. Petitioners

vs.

1.M.Pushpavathy

2.G.Thara

3.P.Mohanarengam

4.P.Sekar

5.P.Bhaskar

6.P.Sundar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.08.2015 passed by the XIV Assistant Judge, City Civil Court at Chennai in I.A.No.10724 of 2015 in O.S.No.3118 of 2015.

For Petitioners : Mr.S.Rajendrakumar

For Respondents : Mr.A.S.Narasimhan

ORDER

The petitioners filed a suit in O.S.No.3118 of 2015 against the 6th respondent praying for a decree of injunction. In the said suit, respondents 1 to 5 filed an Interlocutory Application in I.A.No.10724 of 2015 for impleading. The learned trial Judge allowed the said Application notwithstanding the objection raised by the petitioners. Feeling aggrieved, the petitioners have come up with this Civil Revision Petition.

2. The learned counsel for the petitioners contended that no relief was claimed against the respondents 1 to 5 in the suit and as such, they are neither necessary nor proper parties for an effective adjudication of the matter. According to learned counsel, even in the plaint filed by the 6th respondent in O.S.No.1563 of 2015, it was his contention that he was in possession and enjoyment of the suit property under third parties.

3. I have also heard the learned counsel for

respondents 1 to 5.

4. The suit in O.S.No.3138 of 205 was instituted by the petitioners for injunction. It is a matter of record that there are several suits pending between the plaintiffs and the respondents 1 to 5. Even in the petition filed by the respondents, there is a reference about the pending suits between the parties. It is true that no relief was claimed against the respondents 1 to 5 in the present suit in O.S.No.3118 of 2015. Even then, the trial Court impleaded them as parties, presumably, for the reason that any decree passed in the present suit or any observation made with respect to the possession of property in the suit in O.S.No.3118 of 2015 would affect the case of the respondents 1 to 5 in the other pending suits. Such being the factual position, the Trial Court was correct in impleading the respondents 1 to 5 as parties in O.S.No.3118 of 2015. I am, therefore, of the view that no interference is called for in the order under challenge in this Civil Revision Petition.

5. In the result, the Civil Revision Petition is

dismissed. No costs. Connected Miscellaneous Petition is closed.

24.10.2016

Index : yes / no

Internet :yes / no

asvm

To

The XIV Assistant Judge,
City Civil Court, Chennai.

K.K.SASIDHARAN, J.

(asvm)

C.R.P.(PD) No.2423 of 2016
and
C.M.P.No.12549 of 2016

24.10.2016

<http://www.judis.nic.in>