

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

CRP (PD) No.2580 of 2016
& CMP.No.13326 of 2016

Thulasi

.. Petitioner

Vs.

1.Kowsalya
2.Prakash
3.Elangovan
4.Prabhakari

5.The Chairman
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai – 5.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to allow the Civil Revision Petition and set aside the decree and judgment dated 27.06.2016 in I.A.No.6399 of 2015 in O.S.No.5281 of 2012 on the file of the XII Assistant City Civil Court at Chennai.

For Petitioner : Mr.B.Manoharan
for Mr.V.S.Mannarsamy
For Respondents : Mr.V.Bhiman [for R1 to R4]

ORDER

The petitioner filed a suit for declaration, partition and separate possession. The suit was contested by the respondents.

2. The petitioner after conclusion of the evidence on her side filed a petition to implead the Tamil Nadu Slum Clearance Board as a party to the suit.

3. According to the petitioner, the payments towards allotment costs were made by her. In order to prove such payments, the petitioner wanted to implead the Tamil Nadu Slum Clearance Board as a party. That application was opposed by the respondents. The respondents have taken up a contention that the petitioner is not having any right in respect of the property and in view of the settlement deed executed in favour of the third respondent.

4. The learned trial Judge dismissed the application with an observation that the proposed party is neither a necessary nor a formal party for the purpose of an effective adjudication of the suit. It is the said order which is challenged in this Civil Revision Petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. The suit in O.S.No.5281 of 2012 was filed by the petitioner for declaration and partition. The petitioner has taken up a contention that the payments were made only by her and as such she is entitled to the property allotted by the Tamil Nadu Slum Clearance Board. The petitioner has not made any efforts to produce documents to substantiate her contention that allotment cost was paid by her.

7. It was only after conclusion of the evidence on the side of the petitioner in her capacity as the plaintiff, she filed the application to implead the Tamil Nadu Slum Clearance Board as a party.

8. It is not clear as to how the petitioner would prove the payments by impleading the Tamil Nadu Slum Clearance Board. Moreover, it was only during the eleventh hour, she has filed the application to implead the Tamil Nadu Slum Clearance Board. There is no dispute with respect to the allotment made in favour of the predecessor interest. There is no question of impleading the Tamil Nadu Slum Clearance Board as a party for the purpose of proving that the payments were made by the petitioner. This aspect was correctly considered by the trial Judge and rightly dismissed the application.

9. I do not find any error or illegality in the order passed by the trial Judge warranting interference by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

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K.K.SASIDHARAN, J.

ds

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