

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2590 of 2016
and
C.M.P.No.13390 of 2016

1.R.Ethirajan
2.E.Chandrammal

... Petitioners

vs

1.G.Sasikala
2.G.Shobha

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.07.2016 passed in I.A.No.4469 of 2016 in O.S.No.5094 of 2013 on the file of XVI Assistant Judge, City Civil Court, Chennai.

For Petitioners :Mr.S.Veeraraghavan

For Respondents :Mr.P.Rajalingam

ORDER

Petitioners filed this revision petition challenging the order of learned XVI Assistant Judge, City Civil Court, Chennai passed in I.A.No.4469 of

2016 in O.S.No.5094 of 2013 on 27.07.2016 permitting the second respondent herein/third party to be impleaded as second plaintiff in the suit.

2. First respondent/plaintiff filed O.S.No.5094 of 2013 on the file of learned XVI Assistant Judge, City Civil Court, Chennai seeking permanent injunction restraining the petitioners/defendants from interfering with the plaintiff's peaceful possession and enjoyment of the property and other consequential reliefs. First respondent/plaintiff moved an application in I.A.No.4469 of 2016 to implead the second respondent herein/third party as second plaintiff in the suit. The Court below, under the impugned order, allowed such application. Aggrieved by the said order, petitioners/plaintiffs have preferred this revision.

3. Heard learned counsel for petitioners and learned counsel for respondents/caveators.

4. Learned counsel for petitioners submits that the suit initially was filed by one Sasikala, the 1st respondent/plaintiff. After three years of filing of the suit, I.A.No.4469 of 2016 in O.S.No.5094 of 2013 has been moved to implead the 2nd respondent as second plaintiff in the suit. The second respondent has no right over the suit property and the Court below, without

verifying and marking the settlement deed based on which the 1st respondent/plaintiff claims to implead the 2nd respondent, erroneously allowed the said application against the principles of natural justice. Hence, the impugned order is liable to be set aside.

5. Learned counsel for petitioners further submits that this Court under orders in C.R.P.(PD)No.1048 of 2015 dated 14.09.2013 directed the learned XVI Assistant Judge, City Civil Court, Chennai to dispose of both suits filed in O.S.No.6464 of 2013 and O.S.No.5094 of 2013 by way of joint trial within a period of six months from the date of receipt of such order. Submitting as above, learned counsel prays for earlier disposal of the suit in O.S.No.5094 of 2013.

6. Learned counsel for respondents/caveators submits that he has no objection for such a direction being issued.

7. Considering the submissions made by learned counsel on either side, this Court is of the view that in the facts and circumstances and the settlement deed referred to, the second respondent herein/third party is to be impleaded as a party/the second plaintiff in the suit and hence, the civil revision petition is liable to be dismissed. Accordingly, the civil revision

petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. Taking note of the submission of learned counsel for petitioners this Court directs learned XVI Assistant Judge, City Civil Court, Chennai, to dispose of O.S.No.5094 of 2013 and O.S.No.6464 of 2013 jointly as expeditiously as possible, in any event, not later than six months from the date of receipt of this order.

31.08.2016

Index:yes/no
Internet:yes
cla

To

The XVI Assistant Judge,
City Civil Court,
Chennai.

C.T.SELVAM, J
cla

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