



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) No.2512 of 2016 (PD)

&

C.M.P. (MD) No.11869 of 2016

Joney A.George,
Pappampatti Believers Church of India,
Rep. by Power of Agent,
Fr.Prabhudass

.. Petitioner

Vs.

Anandaraj, S/o.Late.Ponnumani

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order and decretal order, dated 21.12.2015, made in I.A.No.161 of 2015 in O.S.No.209 of 2010, on the file of the District Munsif Court, Palani, Dindigul District.

For Petitioner : Mr.A.D.Ganeshamoorthi

ORDER

This Civil Revision Petition has been filed against the fair and decretal order, dated 21.12.2015, made in I.A.No.161 of 2015 in O.S.No.209 of 2010, on the file of the District Munsif Court, Palani, Dindigul District.

2. Facts of the case:

(i) The petitioner is the third party to the suit in O.S.No.209 of 2010 on the file of the District Munsif Court, Palani. The respondent filed the suit for permanent injunction restraining the petitioner/defendant, their men and agents from trespassing into the suit schedule property and disturbing the functioning of the respondent in the Church of B.C.I. at Pappampatti.

(ii) The petitioner/defendant filed written statement on 30.05.2011 and contested the suit. While so, the petitioner filed I.A.No.161 of 2015 for impleading himself as defendant in the suit in the place of Joney A.George. According to the petitioner, Joney A.George, due to misunderstanding, resigned his office as Office Bearer of the Church of B.C.I. at Pappampatti. At present, the petitioner is appointed as Power Agent of Pappampatti Believers Church of India, to conduct the case in the place of Joney



A.George.

(iii) The respondent filed counter affidavit and opposed the said application and submitted that the suit was filed only against Joney A.George in his individual capacity and therefore, the present petition filed by the petitioner is not maintainable and is devoid of merits. The petitioner has not furnished any details with regard to the post held by Joney A.George, when he resigned from the post and when the petitioner was appointed as Power Agent in the year 2012, he has not given any reason for not conducting the case in O.S.No.17 of 2011. The petitioner filed I.A.No.161 of 2015 only to drag on the proceedings.

(iv) The learned District Munsif, Palani, considering the materials on record and the averments made in the affidavit and the counter affidavit, dismissed the application holding that the respondent filed the suit only against Joney A.George in his personal capacity.

3. Against the said order of dismissal dated 21.12.2015, the petitioner has come out with the present Civil Revision Petition.

4. The learned counsel for the petitioner submitted that the learned District Munsif failed to consider the averments made in the affidavit filed in support of the petition in proper perspective and has not considered the fact that the petitioner is appointed as a Power Agent of Pappampatti Believers Church of India and prayed for allowing the Civil Revision Petition.

5. Heard the learned counsel for the petitioner.

6. It is seen from the plaint filed by the respondent that the suit is filed only against Joney A.George in his individual capacity and the respondent sought permanent injunction against the petitioner. The petitioner as a Power Agent of Pappampatti Believers Church of India has sought for impleading himself as defendant in the place of Joney A.George.

7. The learned District Munsif considered the fact that the suit has been filed only against Joney A.George in his individual capacity and dismissed the application. The learned District Munsif has properly appreciated the materials on record and exercised her jurisdiction in proper perspective and there is no illegality or irregularity in the said order warranting interference by this Court.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)



WEB COURT
The District Munsif,
Palani,
Dindigul District.

+1cc to Mr.A.D.Ganeshamoorthi Advocate Sr.No. 80970

JAM/12.01.2017/ME/ 3p-3c

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