

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

**C.R.P.(PD)No.1039 of 2017
and C.M.P.No.5059 of 2017**

1. M.Sundari
2. M.Murugesan
3. M.Ganapathy

... Petitioners

v.

1.K.Ashok Kumar
2. Dr.P.Gayathri
3.Siyathammal

... Respondents

Civil Revision Petition filed under section 227 of C.P.C., against the fair and decreetal order dated 31.01.2017 passed in I.A.No.13854 of 2015 in O.S.No.828 of 2014 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioners : Mr.P.Vijendran

ORDER

Challenging the fair and decreetal order dated 31.01.2017 passed in I.A.No.13854 of 2015 in O.S.No.828 of 2014 on the file of the XVIII Assistant City Civil Court, Chennai, the plaintiffs have filed the above Civil Revision Petition.

2. The plaintiffs filed a suit in O.S.No.828 of 2014 for permanent

injunction. The defendants filed their written statement and are contesting the suit. After the completion of oral evidence, the suit was posted for arguments. The plaintiffs filed an application in I.A.No.13854 of 2015 to implead their vendor as a defendant in the suit. The application filed by the plaintiffs was opposed by the defendants and the trial Court, taking into consideration the case of both parties, dismissed the application.

3. When the plaintiffs' Vendor had lost title over the suit property, there is no necessity for impleading him as a defendant in the suit. If at all the plaintiffs could have examined him as a witness on their side. Even that was not done by the plaintiffs. The trial Court, taking into consideration all these aspects, had rightly dismissed the application. I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Connected miscellaneous petition is also dismissed.

17.03.2017

Note: Issue on 20.03.2017

rg

To

The XVIII Assistant City Civil Court, Chennai.

M. DURAISWAMY,J.,

rg

C.R.P.(PD)No.1039 of 2017

17.03.2017

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