

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.1145 of 2017
and C.M.P.No.5483 of 2017

Selvakumar

... Petitioner

Vs.

1.Uma Maheswari

2.Athikesavan

3.Backiyalakshmi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 22.11.2016 passed in I.A.No.1843 of 2016 in O.S.No.119 of 2011 on the file of the District Munsif, Kancheepuram District.

For Petitioner : Mr.N.Nagu Sah

ORDER

Challenging the fair and final order passed in I.A.No.1843 of 2016 in O.S.No.119 of 2011 on the file of the District Munsif, Kancheepuram District, the 3rd party petitioner has filed the above Civil Revision Petition.

2.The plaintiffs filed the suit in O.S.No.119 of 2011 for bare injunction.

3.The defendant filed her written statement and is contesting the suit. After the completion of the trial, when the suit was posted for arguments, the revision petitioner filed an application under Order 1 Rule 10 of the Civil Procedure Code to implead herself as 3rd plaintiff in the suit. The application filed by the revision petitioner was opposed by the defendant stating that the application has been filed at a belated stage to get over the defence taken by the defendant that the suit is liable to be dismissed on the ground of non-joinder of necessary parties. The trial Court, taking into consideration the case of both parties, dismissed the application.

4.When the defendant has filed her written statement in the year 2011 and after the completion of the oral evidence, when the suit was posted for arguments, the present application has been filed by the revision petitioner to get herself impleaded as the 3rd plaintiff in the suit. In the affidavit filed in support of the petition, the revision petitioner has stated that she is a proper and necessary party and therefore, she should be impleaded as 3rd plaintiff in the suit. We can understand, if the plaintiffs, who have filed the suit in O.S.No.119 of 2011 filed an application to implead the proposed party as plaintiff in the suit. In the case on hand, the revision petitioner, who is a 3rd

party to the proceedings, has filed the application to get herself impleaded as the 3rd plaintiff in the suit. The trial Court has dismissed the application on the ground that the present application has been filed by the revision petitioner only to fill up the lacuna. Further, the trial Court observed that the application has been filed only to drag on the proceedings.

5. When the suit was filed in the year 2011, after a lapse of five years, the present application has been filed by the revision petitioner, that too, when the suit was posted for arguments. The findings given by the trial Court are just and proper.

6. In these circumstances, I do not find any reason to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

28.03.2017

To

The District Munsif,

Kancheepuram District.

**M. DURAISWAMY,J.
va**

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