

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.(PD).No.1542 of 2014
and M.P.No.1 of 2014

T.Ganesan

... Petitioner

Vs.

R.Subramaniam

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.02.2014 made in I.A.No.690 of 2013 in O.S.No.89 of 2013 on the file of the Principal District Munsif, Bhavani.

For petitioner : Mr.C.Munusamy

ORDER

This revision petition is filed challenging the fair and decreetal order dated 14.02.2014 passed I.A.No.690 of 2013 in O.S.No.89 of 2013.

2.The contention of the revision petitioner is that he filed a suit in O.S.No.89 of 2013 for bare injunction. During the pendency of the suit, the respondent filed an Interlocutory Application in I.A.No.690 of 2013 seeking impleadment on the ground that the respondent is the son of the 1st defendant and he has got interest in the suit property.

3.The trial Court, while considering the application for impleadment, made a finding that the petitioner is none other than the son of the 1st defendant and is an interested party in the suit and therefore, no prejudice would be caused in the event of impleading the petitioner as defendant in the suit. Accordingly, the trial Court allowed the petition. Challenging the same, the present revision petition is filed.

4.The learned counsel appearing for the petitioner contended that the respondent is an unnecessary party and the 1st defendant, who is the father of the respondent is already a party in the suit and he is not necessary for the effective adjudication of the suit.

5.Such a contention made by the learned counsel for the petitioner cannot be considered in view of the fact that the respondent is none other than the son of the 1st defendant and he has got a substantial interest in the suit property, which is the subject matter of the suit in O.S.No.89 of 2013. Such being the factual position, this Court is not inclined to interfere with the orders of the trial Court passed in I.A.No.690 of 2013 dated 14.02.2014 and accordingly, the order of the trial Court in I.A.No.690 of 2013 is confirmed.

6.In the result, the Civil Revision Petition in C.R.P.(PD).No.1542 of 2014 is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes
va

23.02.2017

To

1.The Principal District Munsif,
Bhavani.

S.M.SUBRAMANIAM,J.

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