

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.18 of 2017
and C.M.P.No.92 of 2017

M.Kandasamy

.. Petitioner

Vs.

1. Karur Vysya Bank Ltd.,
Kavindapadi Branch,
Rep. by its Manager,
Kavindapadi.

2. K.Nallamuthu,
Proprietor,
Sri Annai Steel Corporation,
No.37, Siruvalur Road,
Kavindapadi Village,
Bhavani Taluk.

3. N.Vasantha

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order, dated 18.11.2016 in I.A.No.960 of 2015 in O.S.No.76 of 2011 on the file of the Sub-Court, Bhavani.

For petitioner : Mr.S.Kaithamalai Kumaran

ORDER

The plaintiff is the Bank which has filed the suit for recovery of money borrowed by the first defendant. The second defendant is the

guarantor. The first defendant-borrower remained ex-parte. Now, the second defendant is seeking to implead the wife of the first defendant as third defendant in the suit so as to bring the property standing in her name as security. The proposed party has opposed the same stating that the property is her personal property and her presence in the suit is unnecessary. The plaintiff who is the dominus-litis, has not filed any application to implead the wife of the first defendant. There is no nexus between the third defendant and the suit transaction. Unless it is possible to decide the suit in the absence of the proposed party, she need not be impleaded in the suit. Admittedly, no relief has been sought against the third defendant. It is not the case that the suit cannot be adjudicated in the absence of the third defendant or any decision in the absence of the proposed party, would prejudice her interest. In such circumstances, the impleadment is unnecessary. Accordingly, the application has been rightly dismissed by the trial Court, which does not warrant any interference. Hence, the Civil Revision Petition is dismissed. No costs. C.M.P. is closed.

11.01.2017

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Copy to

The Subordinate Judge, Bhavani.

PUSHPA SATHYANARAYANA, J

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