

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.222 of 2017
and
C.M.P.No.937 of 2017

E.Chitrnanjan Das

.. Petitioner

Vs.

1. S.Raja
2. K.Singaram
3. Mumtaz
4. Syed Khader
5. Ravi @ Balakrishnan

.. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 02.11.2016 in I.A.No.1635 of 2015 in O.S.No.666 of 2007 on the file of the Principal District Munsif Court, Salem.

For petitioner : Mr.S.Mayilnathan

ORDER

A third party is seeking to implead himself in the suit and having failed in his attempt, he has preferred this revision petition. The suit is filed for permanent injunction against the respondents 2 to 5 herein. The revision petitioner is said to have preferred R.C.O.P.No.1 of 2011 against

the plaintiff. It is also stated that an application under Section 10 CPC has also been filed to stay the R.C.O.P. proceedings. Though the revision petitioner/proposed party says that there is an agreement of sale, he has not chosen to file a suit for specific performance. The proposed party has not stated as to how he is interested in the suit, or how his presence would be necessary for proper adjudication. It is also not his case that any judgment that may be rendered in the suit, would very seriously prejudice the interest of the revision petitioner. When his presence is not required, as he is neither necessary party nor proper party in the suit, the application has been rightly dismissed by the Court below. There is no reason to interfere with the impugned order. Hence, the Civil Revision Petition is dismissed. No costs. C.M.P. is closed.

27.01.2017

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Copy to

The Principal District Munsif, Salem.

PUSHPA SATHYANARAYANA, J

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