

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.22of 2014 &
M.P.No.1 of 2014

Kanthasamy

-VS-

.. Petitioner

Senthilkumar

.. Respondent

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 20.11.2013 made in I.A.No.414 of 2013 in O.S.No.532 of 2008, on the file of the II Additional District Munsif, Erode.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.V.Raghavachari

ORDER

The Revision Petitioner is the defendant in the Suit in O.S.No.532 of 2008. The respondent/plaintiff filed the Suit for

declaration and for mandatory injunction. During the course of the Suit, the petitioner/defendant filed an Interlocutory Application in I.A.No.414 of 2013, seeking impleadment of the Government Officials viz.,

- 1)Superintending Engineer, Public Works Department
Lower Bhavani Project, Collectorate, Erode-11.
- 2)Executive Engineer, Public Works Department
Lower Bhavani Project, , Erode-11.
- 3)Assistant Executive Engineer, Public Works Department
Lower Bhavani Project, , Erode-11.
- 4)Assistant Engineer, Public Works Department
Lower Bhavani Project, Ayakgoundanpalayam
Elumathur (Post), Modakurichi via, Erode.

2.The respondent filed a counter and contested the Interlocutory Application.

3.Considering the pleadings and the arguments, the trial Court passed an order on 20th November, 2013, rejecting the Interlocutory Application, mainly on the ground that the proposed parties are Government Officials and they are totally unconnected with the Plaint averments and allegations and further the petitioner/defendant cannot implead the Government Officials only for the purpose of establishing his case and such contentions cannot be

accepted. The trial Court has stated that for disproving the case of the plaintiff and other connected records can be produced by the defendant and if necessary, those officials may be called for as witnesses. That apart, the trial Court was of the opinion that the Application to implead four Government Officials were filed only to protract the issue and the Court cannot allow either of the party to do so.

4. Considering the arguments advanced both by the learned counsel for the petitioner and the respondent, this Court is of the view that as the Suit is for declaration and mandatory injunction and the suit scheduled property has been described in the Plaint itself and when the dispute is between the two private parties, the impleadment of the Government Officials are unwarranted. If the parties want to rely upon any Government documents, it is their botheration to get those Government documents and mark the same in the Suit to establish their case. Contrarily, they cannot implead the Government Officials and direct those Government Officials to produce all those Government Records before the trial Court, more specifically when the Suit has been filed between private parties. In other words, the Government Officials cannot be dragged unnecessarily in a private

litigation, since they are performing a public duty and to resolve a private dispute, the services of the Government officials cannot be availed by the private parties. Such being the legal principle, this Court is not inclined to interfere with the findings of the trial Court and there is no infirmity as such.

5. Accordingly, the order passed in I.A.No.414 of 2013 in O.S.No.532 of 2008 dated 20.11.2013, is confirmed and the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

23.02.2017

rpa

To

1. The learned II Additional District Munsif,
Erode.

S.M.SUBRAMANIAM, J.,
rpa

C.R.P. (PD) No. 22 of 2014

23.02.2017

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