

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.2408 OF 2017
AND CMP NO.11371 OF 2017

K.B.P.Shankar

... Petitioner

Vs.

P.Janakiraman

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.827 of 2016 in O.S.No.161 of 2008 dated 21.04.2017 by the District Munsif, Tiruvallur.

For Petitioner : Mr.R.Sathishkumar

ORDER

This Civil Revision Petition is directed against the dismissal of the interlocutory application filed to implead the Government officials as parties.

2. The petitioner sought to implead the proposed parties for the action, which had taken place prior to the filing of the suit. Even though the suit was filed for declaration of title and consequential injunction, the petitioner has not pleaded anything about the cancellation of patta, against the proposed parties. The petitioner has also failed to take steps as early as 2008 when the respondent / defendant filed written statement setting out all the details regarding mutation in the revenue records. When the matter was listed for trial, the petitioner has filed an application to delist the case from the special list. He has also filed a petition for stay, which he had later withdrawn. Subsequently, issues were framed, considering the pleadings. Even at that time, the petitioner has not taken any steps. After a period of nine years, the petitioner has filed the interlocutory application to implead the Tahsildhar, Tiruvallur and the District Collector, as parties. Even assuming that the proposed parties are necessary to decide the issue, the petitioner should have taken steps at the time of filing the suit, much less, after he got knowledge about the cancellation of patta. But having kept quite, the petitioner cannot file the interlocutory application at the fag end of the trial. If at all the petitioner is entitled to present the necessary facts, he can take steps for calling the

official witnesses to depose before the Court. The petitioner without even amending the plaint and without any pleadings or relief against the proposed parties, cannot maintain the interlocutory application to implead the officials as proposed parties. The Trial Court has elaborately considered all these points and dismissed the interlocutory application filed for impleading. I do not find any discrepancy in the decision taken by the Trial Court.

3. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

24.07.2017

Index : Yes/No
Internet : Yes/No
TK

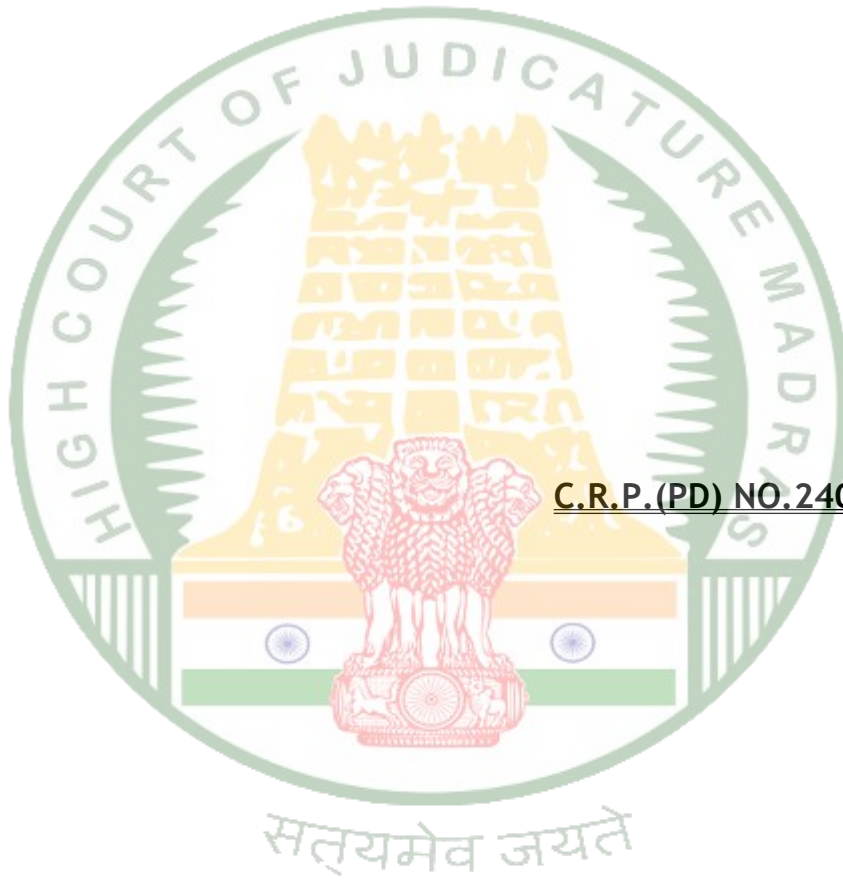
To

The District Munsif
Tiruvallur.

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M.GOVINDARAJ, J.

TK



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