

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.2753 OF 2017
AND CMP NO.13083 OF 2017

P.Gowri

... Petitioner

Vs.

1.The President
 Nemilicheri Village Panchayat
 Nemilicheri Village - 602 024.
 Poonamallee Taluk.

2.C.Anantharaman
 3.C.Rajendrababu

4.The Member Secretary
 Chennai Metropolitan Development Authority
 No.8, Gandhi Irwin Road, Egmore,
 Chennai - 600 008.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.02.2017 passed in I.A.No.727 of 2014 in O.S.No.196 of 2009 on the file of the Additional District Munsif Court, Poonamallee.

For Petitioner : Mr.R.Bharath Kumar

ORDER

This Civil Revision Petition is directed against the dismissal of the interlocutory application filed for impleading the Member Secretary, Chennai Metropolitan Development Authority, Chennai.

2. The petitioner is the plaintiff. The petitioner has filed the suit against the defendants / respondent nos.1 to 3 herein, for permanent injunction restraining them from disconnecting the water connection to the suit property.

3. The contention of the petitioner / plaintiff is that approval was granted in favour of the second and third respondents by the proposed fourth respondent, without inspecting the property. In order to prove the case, it is contended that the proposed respondent is a necessary party. The Trial Court has dismissed the application as the proposed respondent is not a necessary party and they can be called as a witness on the side of the petitioner to prove her case. It is a clear case that no relief can be sought against the proposed respondent nor there is any cause of action against them. In such circumstances, the proposed respondent / fourth

respondent herein, is neither necessary nor proper party to the suit. In such circumstances, the findings of the Trial Court that the proposed respondent can be called as a witness to prove the case of the petitioner and they need not be impleaded as a party to the suit, does not require any interference. Therefore, the Civil Revision Petition does not merit any consideration.

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

16.08.2017

Index : Yes/No
Internet : Yes/No
TK

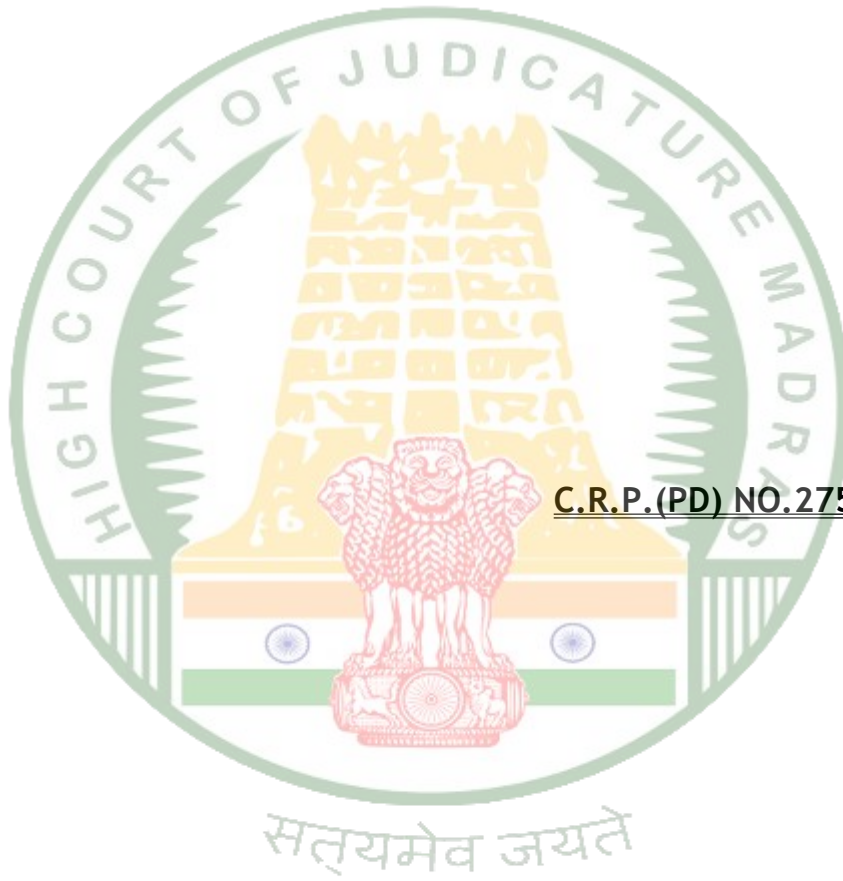
To

The Additional District Munsif
Poonamallee.

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M.GOVINDARAJ, J.

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