

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.3129 of 2017
and C.M.P.No.14633 of 2017

R.Mathiyazhagan Petitioner

Vs.

1. A.S.Ramasamy
2. K.Perumayee
3. P.Suvi Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order dated 11.11.2016 passed in I.A.No.246 of 2015 in O.S.No.132 of 2013 on the file of the I Additional District Court, Salem.

For Petitioner : Mr.R.Asokan

ORDER

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This Civil Revision Petition has been filed against the fair and decreetal order dated 11.11.2016 passed in I.A.No.246 of 2015 in O.S.No.132 of 2013 on the file of the I Additional District Court, Salem.

2. The petitioner is the defendant in the suit in O.S.No.132 of 2013 pending before the trial Court. The suit is for specific performance of the sale agreement dated 18.07.2012, entered between the respondent/plaintiff and the petitioner/defendant.

3. The petitioner has taken a ground that the agreement for sale is a forged document, using the stamp papers and cheques given by them to the proposed third parties. Hence, the petitioner has filed the petition to implead the third parties under Order I Rule 10, Sub Rule 2, of the Civil Procedure Code. The trial Court has given a categorical finding that the suit is for specific performance and the third parties, who are not connected to the contract, cannot be impleaded. It is also observed that if at all, the petitioner/defendant wants to disprove the sale agreement, it is open to him to examine the third parties, as witnesses on his side and he is not entitled to implead them as parties to the suit. Since the third parties are not the necessary parties, the trial Court has rightly observed that they cannot be impleaded as parties.

4. It is well settled by Hon'ble Supreme Court that a stranger or a third party to a contract is not entitled to be added as a party. Therefore, this Court is of the view that the order passed by the trial Court is absolutely correct and it does not require any interference.

5. The learned counsel for the petitioner would submit that the third parties shall be called as witnesses before the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. It is also open to the petitioner to call the proposed respondents/third parties as witnesses and examine them to support their cases. No costs. Consequently, connection miscellaneous petition is closed.

04.09.2017

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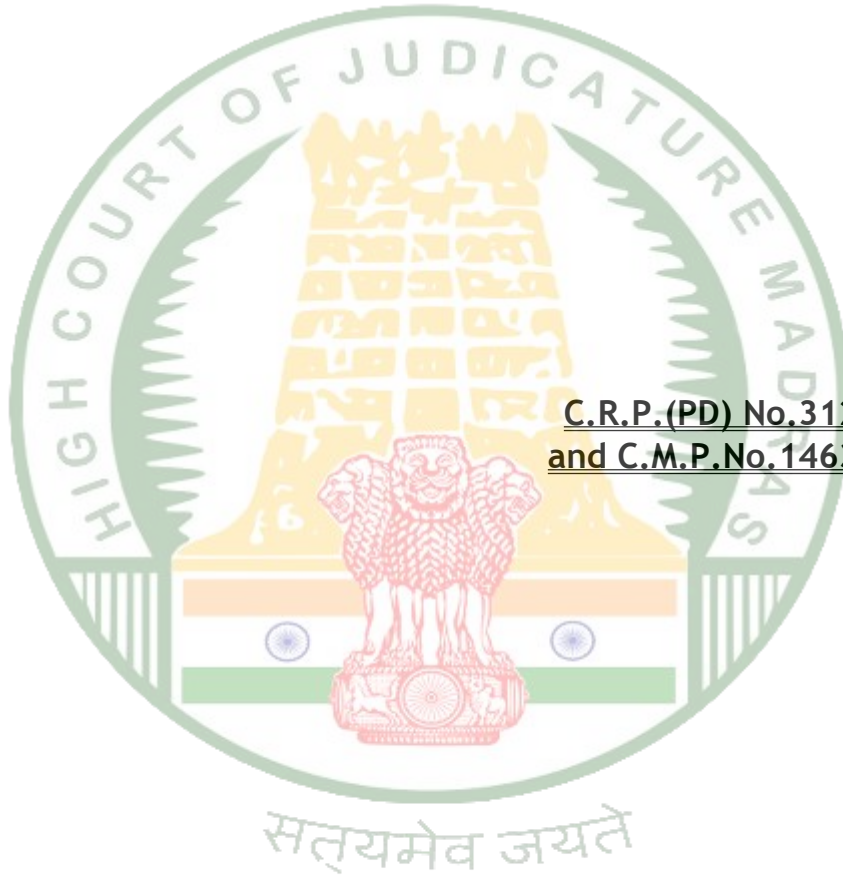
To

The I Additional District Court, Salem.

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M. GOVINDARAJ, J.

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