

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CIVIL REVISION PETITION (PD) No.3474 of 2014
and
M.P.No.1 of 2014

N.Manickam

.. Petitioner

..VS..

Rajkumar

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.06.2014 made in I.A.No.172 of 2014 in O.S.No.103 of 2013 on the file of the Principal Sub Court, Erode.

For Petitioner	...	M/s.D.Priya
For Respondent	...	Mr.G.K.Ilanthiraiyan for M/s.Sai Bharath Ilan

ORDER

The petitioner is the plaintiff in the suit and the suit in O.S.No.103 of 2013 on the file of the learned Principal Sub Court, Erode, is filed for recovery of money. During the pendency of the suit, the respondent filed I.A.No.172 of 2014 seeking impleading petition on the ground that the respondent is a partner

in a company mainly run by the plaintiff. Both of them are having transactions at large and therefore, the respondent is also a necessary party in the suit more specifically when the suit is for recovery of money.

2. The trial Court, considering the facts and circumstances of the case, allowed the petition for impleading on the ground that there were transactions between the petitioner and the respondent herein in respect of and through Sri Sundara Mills and further, the suit is for recovery of money and therefore, it is necessary to implead the respondent as a party in the original suit.

3. The learned counsel for the petitioner contended that the trial Court has committed an error in allowing the petition, since the respondent is an unnecessary party and he is no way connected with any transaction between the plaintiff and the defendant in the original suit.

4. The learned counsel for the respondent opposed the civil revision petition by stating that the respondent is none other than a partner and wide transactions are prevailing between the petitioner and the respondent and therefore, he is a necessary party in the suit.

5. Considering the rival submissions made both by learned counsel

for the petitioner and the respondent, this Court is of the view that the financial transactions both between the petitioner and the respondent, are not disputed seriously. However, it is not disputed that the respondent is not a partner and further impleading the respondent in the original suit, will not cause any prejudice to the petitioner/plaintiff and further non-impledement will result in multiplicity of litigations, which is to be avoided. Further, if all the necessary parties are impleaded, all will get their respective opportunities to submit their documents and evidences for effective adjudication of the suit and therefore, the trial Court has not committed any error in allowing the petition for impleading and accordingly, the fair and decreetal order passed in I.A.No.172 of 2014 in O.S.No.103 of 2013 is confirmed. The civil revision petition is dismissed. No order as to costs.

09.02.2017

Index:Yes
Internet:Yes

To

The Principal Sub Court, Erode.

S.M.SUBRAMANIAM,J.,

**C.R.P.(PD)No.3474 of 2014 and
M.P.No.1 of 2014**

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