

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2017**

CORAM:

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2596 of 2013
and M.P.No.1 of 2013

Selvam

...Petitioner

versus

1.C.Ramaswamy
2.P.Thenmozhi
3.Karthikeyan

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and final order dated 19.04.2013 made in I.A.No.38 of 2013 in O.S.No.376 of 2004 on the file of the learned I Additional Subordinate Judge, Erode.

For Petitioner : Mr.Pitty Parthasarathy

ORDER

This civil revision petition is directed against the order dated 19 April 2013 in I.A.No.38 of 2013 in O.S.No.376 of 2004 allowing the application filed by the first respondent to implead the second respondent as the second plaintiff in the suit.

2.Heard the learned counsel for the petitioner.

3.The suit in O.S.No.376 of 2004 was initially filed by the first respondent. During the currency of the said suit, the first respondent settled the suit property in favour of the second respondent. It was only under such circumstances, the first respondent filed I.A.No.38 of 2013 to implead the second respondent as a party to the civil suit.

4.The grievance of the petitioner appears to be that application was not filed by the second respondent. According to the petitioner, the application was filed only by the first respondent.

5.There is no rule that only the beneficiary of the settlement deed alone should file the impleading petition in a pending suit. The first respondent, being the settlor impleaded the second respondent - settlee

as a party to the civil suit. No prejudice would be caused to the petitioner by impleading the settlee as a party to the civil suit.

6. The Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

07.04.2017

kj

Index:Yes/No

To

I Additional Subordinate Judge, Erode.

K.K.SASIDHARAN,J.

kj

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