

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.4066 of 2016
& C.M.P.No.20511 of 2016

1. Mr.A.Kalaiselvan
2. Mr.C.Premkumar,
Rep. by his General Power of Attorney
Mr.A.Kalaiselvan

.. Petitioners

Vs.

Mrs.Chitra, Rep. by her
General Power of Attorney Mr.Ravi

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 26.09.2016 in I.A.No.595 of 2015 in O.S.No.240 of 2010 on the file of the Sub-Court, Poonamallee, Chennai-600 056.

For petitioners : Mr.A.Ramaswamy

ORDER

The Civil Revision Petition is filed against the order allowing the application filed for impleading the second respondent therein (second revision petitioner) as a party to the suit and rank him as second defendant.

2. The suit has been filed by the plaintiff for declaration and

injunction. In the counter affidavit filed by the revision petitioner before the Court below, it is stated that the second respondent therein (second petitioner herein) is the owner of the suit property, and therefore, the plaintiff has taken up the application for impleading the second respondent as a party-defendant to the suit. Having raised an objection in the counter affidavit that only the proposed party is the owner of the suit property, the impleading application was opposed by the plaintiff. However, the application was allowed by the Court below. Even though the first revision petitioner/first defendant is the Power Agent of the second revision petitioner herein, the relief sought for is only against the original owner. According to the first defendant, the proposed party is the original owner, and therefore, he has to be necessarily impleaded as a party to the suit, which has rightly been ordered by the trial Court. The revision petitioner cannot be aggrieved by the said order.

3. Hence, the revision petition is dismissed. The trial Court is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, C.M.P. is closed.

04.01.2017

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Copy to

The Sub-Judge, Poonamallee, Chennai-600 56

PUSHPA SATHYANARAYANA, J

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