



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP (MD) (PD) NO.482 of 2017

and

C.M.P. (MD) No.2308 of 2017

P.Rajendran

.. Petitioner/1st Respondent/1st
Defendant

Vs.

1. R.A.Subramanian

.. 1st Respondent/Petitioner/Plaintiff

2. Sakthivelusamy

3. Durairaj

.. Respondents 2&3 /Respondents
2&3/Proposed Defendants 2&3

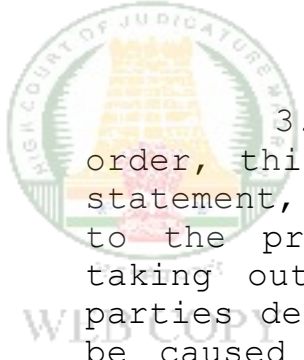
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to pass an order setting aside the order dated 14.12.2016 passed in I.A.No.534 of 2016 in O.S.No.321 of 2009 by District Munsif Court, Palani.

For Petitioner : Mr.Anand Chandrasekar

O R D E R

This is a Revision Petition filed against the impleading petition allowed by the trial court.

2.The main contention of the learned counsel for the revision petitioner is that this application was taken out belatedly, when the matter was posted for trial and delay tactics adopted by the plaintiff. The learned counsel pointed out that the written statement filed in the year 2010. It was pointed out that one Mr.Durai Raj is a necessary party to the suit and non impleading Mr.Durai Raj is bad for non joinder of necessary party. When this matter was brought to the notice of the plaintiff as early as in 2010, the present application to implead Mr.Durairaj and his son Sakthi Velusamy was filed belatedly after six years with an ulterior motive to protract the proceedings and therefore, the application ought not to have allowed by the trial Court. Since the trial Court has failed to appreciate the real intention of the plaintiff, the order passed by the trial Court in I.A.No.534 of 2016 are to be set aside.



3. Having gone through the proceedings and the impugned order, this Court finds that it was the defendant in his written statement, has taken a plea that Durai Raj is a necessary party to the proceedings. No doubt, there is unexplained delay in taking out the application to bring Durai Raj and his son as parties defendants for complete adjudication. No prejudice would be caused to the revision petitioner, if these two parties are impleaded as respondents, since the revision petitioner himself has indicated that one of them is a necessary party to the proceedings. It is brought to the notice of this Court that the proposed parties, who are now impleaded as defendants did not appear before the Court in the impleading application and they were set exparte.

4. Taking note of this fact, this Court direct the trial Court to dispose of the suit expeditiously, after giving opportunity to the new impleaded parties to put forth the case, if any, within the time framed under C.P.C. and proceed further without any delay.

5. Accordingly this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To
The District Munsif, Palani.

+1cc to Mr. Anand Chandrasekar, Advocate SR.No.13989

Arul/lr

sm:PM-PN:20/03/2017:2P/3C

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