



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.06.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

C.R.P. (MD) No. 1204 of 2016

and

C.M.P. (MD) No. 5949 of 2016

Mariyaraj .. Petitioner/1st Respondent/Plaintiff
vs.

1. S. Chennimalai,
Rep. By his Authorised Power
agent M. Anandkumar.

.. 1st Respondent/Petitioner/
Third Party

2. The East India Corporation Limited,
Madurai, Rep. By its Managing
Director T. Meenakshi.

.. 2nd Respondent/2nd Respondent/
Defendant

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 13.04.2016 made in I.A.No.64 of 2016 in O.S.No.26 of 2011 on the file of the Additional District Court, Dindigul.

For Petitioner : Mr. A. Hariharan

ORDER

This revision is directed against the order passed by the Additional District Court, Dindigul in I.A.No.64 of 2016 in O.S.No.26 of 2011.

2. The petitioner filed a suit against the second respondent for specific performance of the agreement, dated 09.06.2004.

3. Pending suit, the first respondent filed an application in I.A.No.64 of 2016 under Order 1 Rule 10(2) of C.P.C to implead him as a second defendant contending that the third item of the suit properties were purchased by him through sale deeds, dated 20.04.1996, 21.04.1996 and 29.04.1996 and in respect of the same properties, suits in O.S.Nos.138 of 1997 and 181 of 2004 are pending and therefore, he is a proper and necessary party in the suit in O.S.No.26 of 2011.



4. The application was resisted by the petitioner stating that the trial in the suit was already commenced and the third party right cannot be decided in the suit which is filed for specific performance. However, the trial Court having found that the first respondent is a necessary party, allowed the application. Aggrieved over the order, the present revision is filed.

5. Mr.A.Hariharan, learned counsel appearing for the petitioner would submit that when the petitioner filed an application in the earlier suits, the first respondent has taken a different stand and the right of the first respondent cannot be decided in the suit.

6. I am not able to agree with the contention of the learned counsel for the petitioner and I do not find any merits in the revision. In fine, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

7. The Additional District Court, Dindigul shall dispose of the suit in O.S.No.26 of 2011 as expeditiously as possible preferably on or before 30.09.2016.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

The Additional District Court,
Dindigul.

+1cc to Mr.A.Hariharan, Advocate in SR.No.31919

ps

JA-SKS-RR-28.6.2016/2P-3C

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and

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