

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-03-2018

CORAM :
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.R.P.(PD)No.1204 of 2018

and

C.M.P.No.7017 of 2018

Kalaimannan

... Petitioner

Vs

1.Kasthuri
2.Banupriya
3.Shanmugavel
4.Muniyappan

... Respondents

PRAYER : Civil Revision Petition filed against the order and decreetal order dated 09.01.2018, passed by the I Additional District Munsiff, Puducherry, in I.A.No.885 of 2017 in O.S.No.1895 of 2012.

For Petitioner : Mr.S.Natanarajan

ORDER

The petitioner/first defendant is before this Court challenging the order dated 09.01.2018 dismissing the petition in I.A. No. 885 of 2017 filed by the petitioner and the 2nd defendant under Order I Rule 10(2) r/w Section 151 of CPC to strike or remove the name of the petitioner/1st defendant from the suit.

2.Heard Mr.S.Natanarajan, learned counsel appearing for the petitioner.

3.It is seen from the records that the suit has been filed by respondents 1 to 3, seeking a declaration that the sale deed dated 11.05.2012 executed by Mr.Segar, husband of the 1st respondent, in favour of the 4th respondent herein/2nd defendant in the suit and settlement deed dated 11.05.2012 executed by the said Mr.Segar, in favour of 2nd and 3rd respondents herein/ 2nd and 3rd plaintiffs in the suit are null and void. In the said suit only the petitioner along with 4th respondent herein took out an application to strike or remove the petitioner's name as 1st defendant from the suit contending that there is no cause of action against him and he has been unnecessarily made as party to the suit. The trial court considering the defence of respondents 1 to 3/plaintiffs and finding that there are allegations against the petitioner herein in paragraph No.III(14) to (21) and also in the cause of action, dismissed the petition. Further, the Court also noted that the written statement has been filed and suit is ripe for trial.

taken out by the petitioner along with the 4th respondent/2nd defendant. When there are allegations against the petitioner, by way of an application, the said allegation cannot be decided. The trial Court rightly dismissed the petition filed by the petitioner. Therefore, the Civil Revision Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

5. Taking into consideration that the suit is pending from the year 2012, the trial Court is directed to dispose of the matter on merits and as per law, on or before 31.07.2018.

28.03.2018

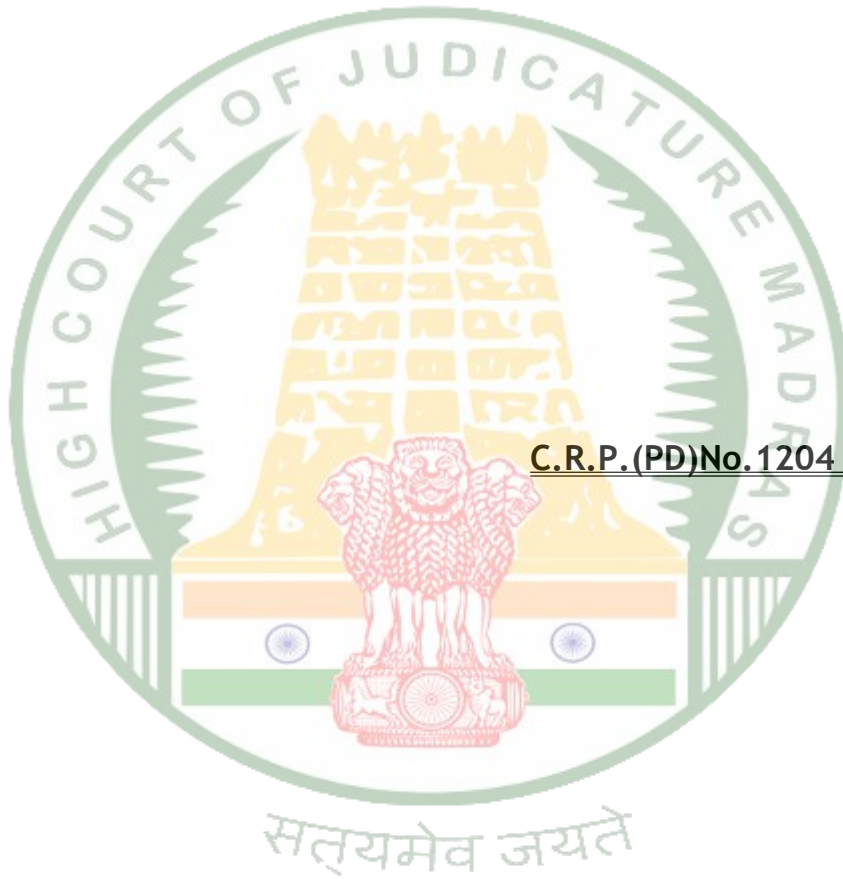
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N.KIRUBAKARAN,J

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To
The I Additional District Munsiff,
I Additional District Court,
Puducherry.



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