

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.1591 of 2017
and CMP.Nos.7511 & 21503 of 2017

A.Mani

.. Petitioner

Vs

1.M.Gopal
2.S.Baskaran

... Respondents

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 31.01.2017 made in IA.No.699 of 2016 in OS.No.18 of 2016 duly passed by the District Munsif Court, Tambaram in allowing the application duly taken out under Order 1 Rule 10(2) and (4) of CPC to implead the petitioner / proposed party in the above suit as well to extend the interim order issued in IA.Nos.110 and 111 of 2016 in OS.No.18 of 2016 against the petitioner in the main Civil Revision Petition.

For Petitioner : Mr.D.Ashok Kumar
For Respondents : Mr.R.Dhanasekar for R1
: No appearance for R2

ORDER

According to the revision petitioner, the first respondent herein has filed a suit in OS.No.18 of 2016 before the District Munsif Court, Tambaram for permanent injunction. In the aforesaid suit, the first respondent has filed applications in IA.Nos.110 & 111 of 2016 to grant interim injunction, which were allowed. Further, the first respondent has filed an application in IA.No.699 of 2016 to implead the revision petitioner as second defendant in the aforesaid suit and to extend the interim orders passed in IA.Nos.110 and 111 of 2016 against the proposed second defendant in the suit. The court below has considered the application and allowed the same. Challenging the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner, being the subsequent purchaser of the suit property, has been impleaded and the court below has also extended the interim order against the revision petitioner without

providing an opportunity to the revision petitioner. Therefore, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the respondent would submit that the revision petitioner, being the subsequent purchaser of the suit property, is also a necessary party and he has been impleaded to avoid any multiplicity of the proceedings. Further submitted that the revision petitioner can file counter affidavit or appropriate application before the court below in IA.Nos.110 and 111 of 2016. Therefore, the present Civil Revision Petition is liable to be dismissed.

4. Heard the learned counsel of both the parties and perused the materials available on record.

5. The first respondent / plaintiff has filed the application to implead the revision petitioner / proposed second defendant as a party in the aforesaid suit. The trial court has allowed the application by holding that he is also a necessary party in the suit, being the subsequent purchaser of the suit property. In the light of the decision of this Court in the case of *Devaki Thiagarajan Vs. Ahamed & Others*

reported in **2015 (4) CTC 293**, wherein this Court has also followed the decision of the Hon'ble Supreme Court, this Court is of the view that the revision petitioner is also a necessary party in the said suit. However, if the petitioner is having any grievance with regard to the interim order granted by the court below, the same can be agitated before the court below by filing an appropriate application or filing counter statement in IA.Nos.110 and 111 of 2016. Hence, there is no warrant to interfere with the order passed by the court below and the Civil Revision Petition is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed with liberty to the revision petitioner to file an appropriate application before the court below for vacating the interim order, if so advised. Consequently, the connected miscellaneous petitions are closed. No costs.

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Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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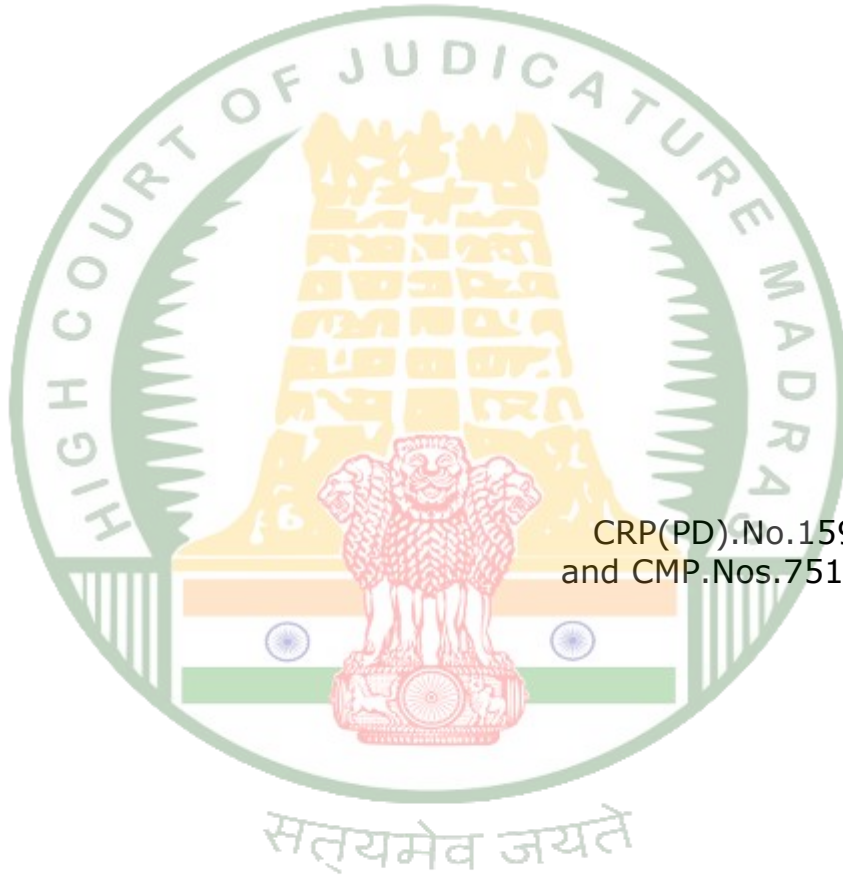
The District Munsif Court,
Tambaram



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D. KRISHNAKUMAR J.,

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