

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

**C.R.P. (PD)No.2422 of 2015 &
M.P.No.1 of 2015**

1. Benz Vacation Club,
Rep. By Managing Director,
C.Saravanan

2. Mr.C.Saravanan

.. Petitioners

Vs.

1. Mr.Palanisamy
2. Mrs.P.Poongodi
3. Mrs.P.Jayanthi
4. Mr.S.Dipak
5. Mr.T.Jagadeesan
6. Ms.A.Divya

.. Respondents

.. 6th respondent/
Proposed 6th defendant

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order dated 04.01.2013 made in I.A.No.630 of 2012 in O.S.No.237 of 2011 on the file of the II Additional District Judge, Erode.

For Petitioners : Mr.P.Kannan Kumar

For Respondents : Mr.T.Murugamanickam, Sr. Counsel
for L.Mouli

ORDER

This revision has been filed to set aside the order dated 04.01.2013 passed in I.A.No.630 of 2012 in O.S.No.237 of 2011 on the file of the II Additional District Judge, Erode.

2. Originally the suit has been filed by the landlord against the original lessee and the application in I.A.No.630 of 2012 has been filed to implead a third party to the suit on the premise that the third party is in actual possession of the property. It is to be noted that once landlord and tenant relationship is existing between the parties and the suit has been filed only against original tenants/lessees, impleading a third party does not arise at all. If the third party is in possession of the property, his/her individual right or title has to be established separately and not in this suit. Hence, I am of the view that the impleading petition filed by the defendants is not maintainable.

3. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No cost.

02.11.2018

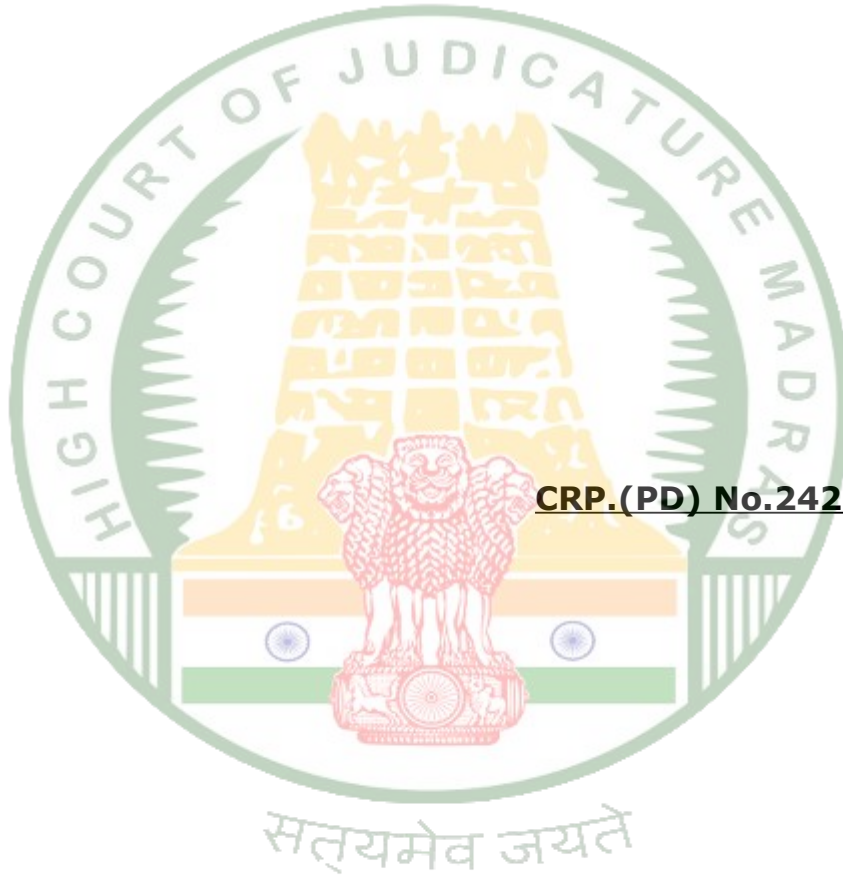
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N.SATHISH KUMAR, J.

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