

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.900 of 2018
and CMP.No.4897 of 2018

1.L.Ranjithkumar
2.L.Muthukumar

.. Petitioners

Vs

1.A.Amirtharaj
2.P.Kannan
3.P.Rajkumar
4.P.Vijayakumar
5.P.Shanthi

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and docket order dated 27.11.2017 ordering issuance of notice to the respondents in IA.No.15873 of 2017 in OS.No.1253 of 2012 on the file of the learned V Assistant Judge, City Civil Court, Chennai.

For Petitioners

: Mr.T.A.Shagul Hameed

ORDER

According to the revision petitioners, the revision petitioners have filed a suit in OS.No.1253 of 2012 on the file of the V Assistant City Civil Court, Chennai for permanent injunction against the first respondent herein. In the aforesaid suit, the first respondent has filed an application in IA.No.15873 of 2017 to implead respondents 2 to 5 herein as defendants 3 to 6. On receipt of said application, the court below has passed a docket order dated 27.11.2017 for issuance of notice to the revision petitioner. Challenging the docket order, the revision petitioners have filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioners would submit that in the aforesaid suit, the first respondent herein has filed an application in IA.No.17424 of 2014 to reject the plaint. The said application was dismissed on 30.08.2016. Thereafter, another application was also filed for receiving additional documents. Now, the first respondent has filed the present application with an intention to drag on the proceedings. According to the learned counsel for the

revision petitioners, the aforesaid parties are not necessary parties to decide the aforesaid suit. The revision petitioners have filed the present suit for permanent injunction and the relief is only against the first respondent. Therefore, filing the instant application is only to delay the entire proceedings before the trial court. Further, the first respondent has taken notice to the proposed parties.

3. Heard the learned counsel for the revision petitioners and perused the materials available on record.

4. By considering the submissions of the learned counsel for the revision petitioners, it is the specific case of the revision petitioners that the instant application has been filed to implead the proposed parties as defendants in the aforesaid suit. Whether the aforesaid parties are necessary or not has to be decided at the time of trial in the suit. Therefore, at this stage, this Court is not inclined to entertain the Civil Revision Petition. However taking into consideration of the submissions made by the learned counsel for the revision petitioners, this Court is inclined to pass the following orders.

(i) The learned counsel for the revision petitioners undertakes that the revision petitioners will file counter affidavit within a period of two weeks from the date of receipt of a copy of this Order.

(ii) In the event of counter affidavit is filed, the court below is directed to pass appropriate orders in the aforesaid IA.No.15873 of 2017 in accordance with law on or before 30.06.2018.

(iii) Thereafter, the trial court is directed to dispose of the above suit as expeditiously as possible.

5. The Civil Revision Petition is disposed of with above directions. Consequently, the connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

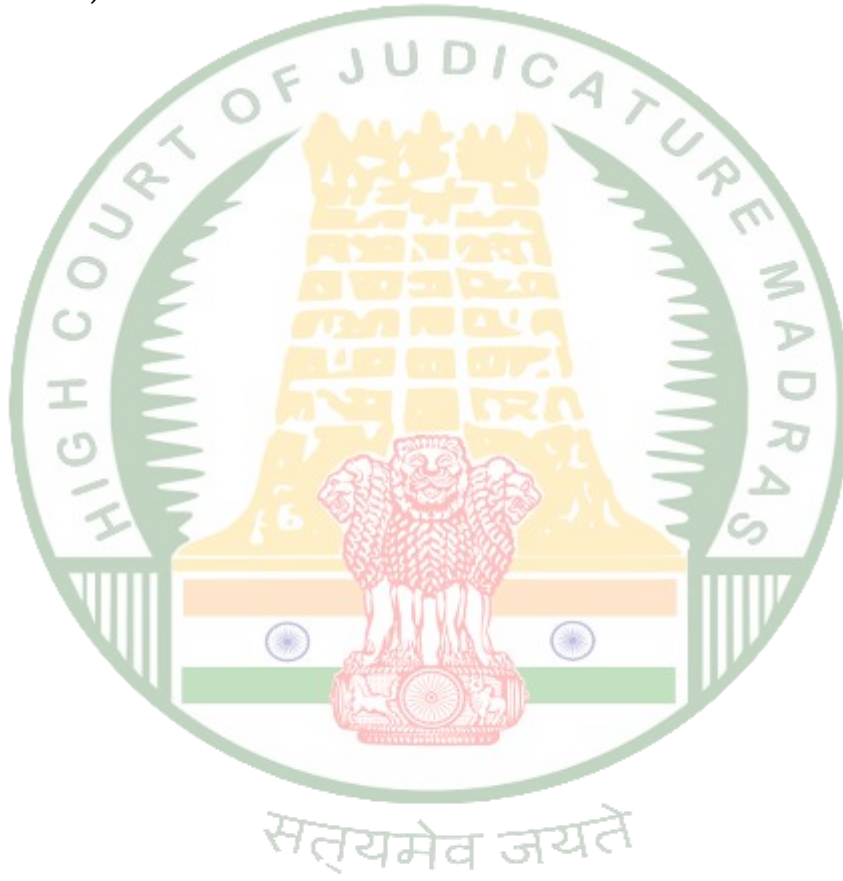
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Speaking/Non-Speaking order
Index :Yes/No
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To

The learned V Assistant Judge,
City Civil Court,
Chennai.



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D. KRISHNAKUMAR J.,

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