

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.916 of 2018

and
CMP.No.4959 of 2018

C.Manikandan

.. Petitioner

Vs.

1.R.Nachimuthu

2.The Manager,
Ponni Sugars Pvt. Ltd.,
Odapalli,
Cauvery R.S.Post,
Tiruchengode Taluk,
Namakkal District.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 10.08.2017 made in I.A.No.263 of 2016 in O.S.No.186 of 2015 on the file of the learned Additional District Munsif Court, Tiruchengode.

For Petitioner : Mr.N.Manokaran

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ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 10.08.2017 made in I.A.No.263 of 2016 in O.S.No.186 of 2015 on the file of the learned Additional District Munsif Court, Tiruchengode.

2.The first respondent/plaintiff has filed the suit in O.S.No.186 of 2015, for declaration of his title and to deliver possession of the suit property. The petitioner/defendant has filed his written statement on 07.04.2016. After filing the suit, the first respondent/plaintiff has filed an Interlocutory Application in I.A.No.263 of 2016 to implead the second respondent/proposed party as second defendant in the aforesaid suit. The said application was allowed by the Court below. Challenging the aforesaid order dated 10.08.2017 made in I.A.No.263 of 2016 in O.S.No.186 of 2017, the petitioner has filed the present civil revision petition before this Court.

3.The first respondent/plaintiff also filed a suit against the

Petitioner/defendant and Tamil Nadu Electricity Board in O.S.No.228 of 2006 before the District Munsif Court, Tiruchengode, for permanent injunction to restrain the officials of Tamil Nadu Electricity Board to give service connection to this petitioner's/defendant's well in the suit property. The aforesaid suit was dismissed for non-prosecution. Therefore, allowing this application will prevent the petitioner from supplying sugarcane to the second respondent and therefore, the petitioner cannot be impleaded the second respondent as a necessary party.

4.By considering the reasons stated in the affidavit that the first respondent has filed the application by stating that the second respondent has contacted the first respondent to purchase sugar cane and already the first respondent has filed the aforesaid suit for declaration and permanent injunction, therefore, the contract entered between the parties and the first respondent in the said suit, the first respondent being the plaintiff, is a necessary party in the suit.

5.By considering the facts and circumstances of the case and in

the light of the decision of this Court, there is no error or illegality in the impugned order passed by the Court below and hence the Civil Revision petition is liable to be dismissed.

6.In fine, the order passed by the learned Additional District Munsif, Tiruchengode in I.A.No.263 of 2016 in O.S.No.186 of 2015 dated 10.08.2017 is confirmed and consequently, the Civil Revision Petition is dismissed. No costs.

19.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

ah

To

The Additional District Munsif,
Tiruchengode.

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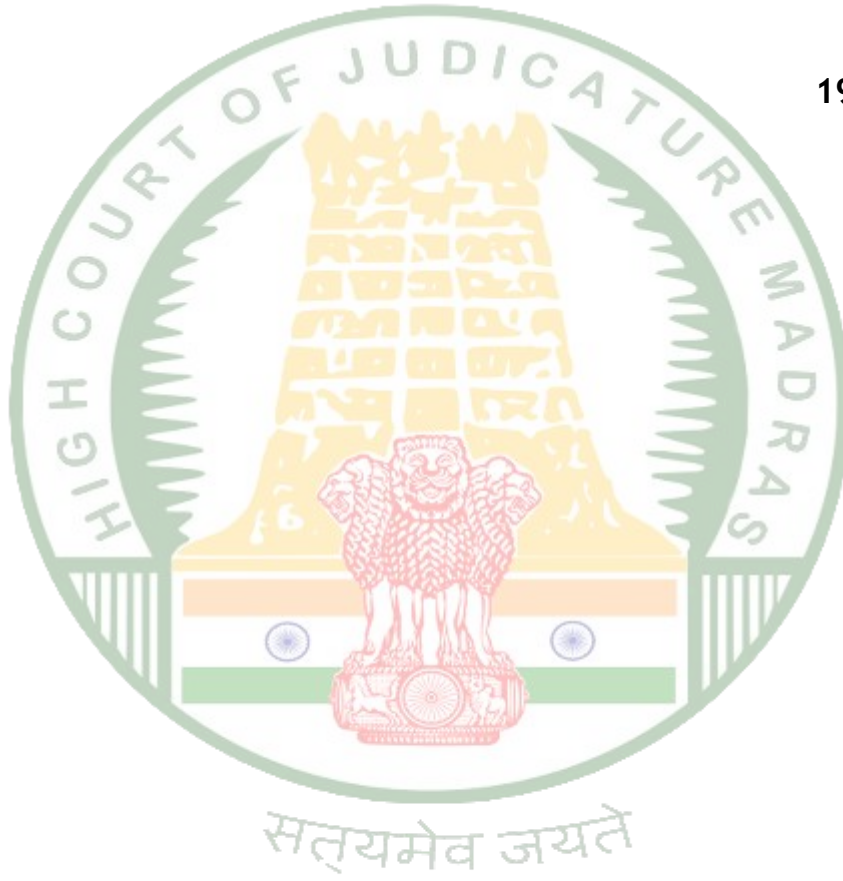


D. KRISHNAKUMAR J.,
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