

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP No.3863 of 2007
and M.P.No.1 of 2007

V.Ramasamy
Rep. by power Agent A.Haniba ... Petitioner

Vs.

1.Thirumurthy
2.Palanisamy (Deceased)
3.Muthulakshmi
4.Gnanakumar ... Respondents

RR 3 & 4 brought on record as LR's of the deceased 2nd respondent viz. Palanisamy vide Order of this Court dated 02.11.2017 made in M.P.No.3 of 2015 in CRP.No.3863 of 2007

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.339 of 2006 in O.S.No.479 of 2005 on the file of the District Munsif Court, Udumalpet dated 25.04.2007.

For Petitioner : Mr.L.Mouli

For Respondents : NA

ORDER

Civil Revision Petition has been filed against the order dated 25.04.2007, passed by the District Munsif Court, Udumalpet in I.A.No.339 of 2006 in O.S.No.479 of 2005. The petitioner is the plaintiff in the suit and the respondents are the defendants. I.A.No.339 of 2006 was filed by a third party, who is the first respondent, in this Civil Revision Petition, seeking to implead himself as a party to the suit in O.S.No.479 of 2005 claiming to have a share in the suit schedule mentioned property.

2.The suit filed by the petitioner is a bare injunction suit. The plaintiff claims to be a tenant entitled to protection under the Tamil Nadu Cultivating Tenants (Protection) Act, 1955.

3.The Trial Court by its impugned order dated 25.04.2007, has clearly given a finding that the first respondent is a necessary party for the proper adjudication of the suit.

4.This Court is also in agreement with the finding of the Trial Court that the first respondent, who claims to have a share in the suit schedule mentioned property, is definitely a necessary party for the proper adjudication of the suit.

5.Therefore, this Court is of the considered view that the Trial Court has rightly allowed the Impleading Application, i.e., I.A.No.339 of 2006 in O.S.No.479 of 2005 filed by the first respondent to implead himself as a party to the suit and there is no ground for interference.

6.Accordingly, the instant Civil Revision Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

pam

To

The District Munsif Court,
Udumalpet.

+ 1 cc to Mr. Mouli, Advocate Sr.3056
+ 1 cc to Mr. S. Gunalan, Advocate Sr.2948
+ 1 cc to Mr.V. Nicholas, Advocate Sr.2964

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(CS-DR)
EU(06/02/2018)