

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.(PD) No.975 of 2006  
& M.P.No.1 of 2006

1) A.Saravanan

2) A.Ramesh Kumar ..... Petitioners/Plaintiffs

Vs.

1) T.Punithavathi

2) M.Arumugam

3) L.P.Chinnasamy Gounder

4) L.C.Govindhasamy

5) L.C.Arumugham

6) G.Sivasubramanian

7) S.Elango

8) T.Yuvaraj

9) S.Suresh

10) A.Loganathan ..... Respondents/Proposed 10<sup>th</sup> Defendant  
and Defendants 3 to 11

Prayer: Civil Revision Petition filed under Under Section 227 of Constitution of India, against the order passed in I.A.No.97 of 2006 in O.S.No.43 of 2004 on the file of Additional District Judge cum Fast Track No.1, Erode dated 16.03.2006.

For Petitioners : Mr.Naveen Kumar Murthi

For Respondents : Mr.P.Valliappan

## O R D E R

The instant Civil Revision Petition has been filed by the petitioners against the order dated 16.03.2006 passed by the trial Court in I.A.No.97 of 2006 in O.S.No.43 of 2004 allowing the impleading application filed by the first respondent seeking to implead herself as a party to the suit, filed by the petitioner.

2. The suit was filed for partition and for declaration. The first respondent T.Punithavathi, claiming to be a tenant, sought for impleadment in the suit. The trial Court allowed the application filed by the first respondent in I.A.No. 97 of 2006 in O.S.No.43 of 2004. Aggrieved by the said order passed by the trial Court, the instant Civil Revision Petition has been filed by the plaintiff on the said suit.

3. The learned counsel for the petitioners submits that the first respondent is not a necessary party, as she was only a tenant. The instant Civil Revision Petition was filed in the year 2006 and in view of the stay granted by this Court, the suit is still kept pending which is infact detrimental to the interest of the petitioners themselves who are the plaintiffs in the suit.

4. This Court is of the considered view that no useful purpose would be served, if the suit is still kept pending even after a lapse of more that 11 years since the Civil Revision Petition was filed before this Court. Furthermore, the order passed by the trial Court will also not prejudice the petitioners, as the trial Court has only allowed the impleading application. Though, according to the learned counsel for the petitioners, the trial Court ought not to have allowed the same, this Court is of the considered view that instead of deciding that issue after a lapse of more than 11 years whether the trial Court was right in allowing the impleading application, it is better to decide in the interest of all the parties to the dispute, that the suit in O.S.No.43 of 2004 which is pending on the file of the Additional District Judge Fast Track No.1, directed to be disposed of expeditiously without any further delay.

6. Learned counsel for the petitioners submits that the pleadings are also completed and the matter is ripe for trial.

Therefore, this Court directs the trial Court to continue with the trial and dispose of the suit within a period of three months from the date of receipt of a copy of this order. It is also made clear that the respondents shall also cooperate for the expeditious disposal of the suit as directed by this Court. The interim stay earlier granted by this Court on 12.07.2006 in M.P.No.1 of 2006 shall stand vacated. The instant Civil Revision Petition is disposed of accordingly. However, there shall be no order as to costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

sts

To

1. The Additional District Judge cum Fast Track Court No.I  
Erode.

+1 CC to Mr. Naveen Kumar, Advocate sr 20005.

+1 CC to Mr.P. Valliappan, advocate sr 19874.

C.R.P. (PD) No.975 of 2006

SAI (CO)  
SP(17/04/2018)

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