

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 20.04.2018****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN**

C.R.P (MD) .No.892 of 2018 and
CMP (MD) .No. 3956 of 2018

M.Mariappan

... Petitioner

Vs.

1.Sudalaimuthu @ Selvaraj
2.Arumugam
3.Malliga
4.S. Veilammal

... Respondents

Prayer: This Petition is filed under Article 227 of the Constitution of India to call for the records in I.A.No.752 of 2016 in O.S.No.114 of 2012 on the file of the District Munsif Court, Kovilpatti, Tuticorin District and set aside the same and allow this revision petition.

For Petitioner

... Mr. S. Muthalraj

ORDER

This Civil Revision Petition has been filed to call for the records in I.A.No.752 of 2016 in O.S.No.114 of 2012, on the file of the District Munsif Court, Kovilpatti, Tuticorin District.

2. The revision petitioner, who is the plaintiff, has filed a suit in O.S.No.114 of 2012, on the file of the District Munsif Court, Kovilpatti, Tuticorin District, for permanent injunction against the defendant Nos. 1 to 3 / respondent Nos. 1 to 3 herein and he has also filed an Interlocutory Application in I.A.No.752 of 2016, under Order 1 Rule 10(2) CPC to implead the proposed 4th defendant as a party to the suit and the same was dismissed. Aggrieved over the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner submitted that the proposed 4th defendant is a necessary party to the suit as some documents were executed by the proposed fourth defendant. He further submitted that the inclusion of fourth defendant may avoid future litigations and avoid unnecessary legal



4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The revision petitioner / plaintiff has filed a suit for permanent injunction against the respondent Nos. 1 to 3. Subsequently, he has filed an I.A.No. 114 of 2012, for impleading the 4th respondent herein as 4th defendant in the suit and the same has been dismissed by learned District Musnif, Kovilpatti, Tuticorin District, on the ground that the petitioner has not given any valid reason for impleading the 4th defendant as a party to the suit.

6. The learned Judge has considered all the materials on record in a proper perspective and has given a cogent and valid reason for dismissing the Interlocutory Application in I.A.No.752 of 2016 in O.S.No.114 of 2012, on the file of the District Munsif Court, Kovilpatti, Tuticorin District. Further, the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

7. In the result,

(a) this Civil Revision Petition is dismissed confirming the order passed in I.A.No.752 of 2016 in O.S.No.114 of 2012, on the file of the District Munsif Court, Kovilpatti, Tuticorin District. In the result, this Civil Revision Petition is dismissed.

(b) The Trial Court is directed to dispose of the suit in O.S.No.114 of 2012, within a period of three months from the date of receipt of a copy of this order, without giving any further adjournment to the parties concerned, on day-to-day basis and the parties are also directed to give their fullest co-operation for early disposal of the above said Suit.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.courtsofmadras.org/hcservices/MiscellaneousPetition>
The District Munsif Court,
Kovilpatti, Tuticorin District.



2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+ 1 cc TO Mr.S.Muthalraj , Advocate in SR No. 62533

trp

AE/SV MMS/SAR2/29.05.2018/3P/5C

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