



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD) (MD) .No.1025 of 2016

and

C.M.P. (MD) No.5126 of 2016

M.K.Navaneethakrishnan

...Petitioner/Petitioner/
Plaintiff

Vs.

1.Gothandaraman
2.Krishnapriya
3.Nagarajan
4.Venkatesan
5.S.Vijayalakshmi

....Respondents 1 to 5/
Respondents 1 to 5/Defendants

6.Rajammal
7.Kalyanasundari
8.Padmanaban
9.Sithranjan das
10.Murugesan
11.Balasubramanian

12.The Chief Manager,
Tamilnadu Mercantile Bank Ltd.,
57, V.E.Road,
Tuticorin.

13.The Branch Manager,
Tamilnadu Mercantile Bank Ltd.,
466, Main Road,
Sattur Branch,
Sattur,
Virudhunagar District.

...Respondents 6 to 13/
Proposed Respondents 6 to 13/
Proposed defendants 6 to 13

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 04.12.2015 made in I.A.No.69 of 2012 in O.S.No.33 of 2010 on the file of Sub-Court, Sivakasi and allow the Civil Revision Petition.

**ORDER**

The plaintiff in O.S.No.33 of 2010 on the file of the Sub Judge, Sivakasi, is the revision petitioner herein. It is a suit for declaration and permanent injunction. Originally, 5 persons were shown as defendants in the suit. The revision petitioner filed I.A.No.69 of 2012 for impleading the respondents 6 to 13 in the said I.A. The Court below by order dated 04.12.2015, dismissed the said I.A.69 of 2012, on the ground that respondents 6 to 11 in the I.A., have already been impleaded in the suit proceedings. Questioning the same, this Civil Revision Petition has been filed.

2.The learned counsel appearing for the revision petitioner pointed out that even going by the reasons given by the Court below, respondents 12 and 13 herein have not yet been impleaded in the suit. Therefore, even while substantially sustaining the order impugned in the Civil Revision Petition, this Civil Revision Petition is allowed for impleading the respondents 12 and 13 also.

3.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS-II)

To

1.Sub Judge, Sivakasi.

Copy to:

The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+ 1 CC TO MR.N.DILIP KUMAR, ADVOCATE IN SR NO.82395

PNN

BU/SKN/SAR-II : 01.10.2018 : 2P/5C

ORDER MADE IN
C.R.P. (PD) (MD) .No.1025 of 2016
and
C.M.P. (MD) No.5126 of 2016
05.09.2018