



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2018
CORAM
THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.144 of 2016

WEB COPY

A.Alagarsamy : Petitioner/Plaintiff

Vs.

1.Alagar : 1st Respondent/Proposed Defendant

2.Balamurugan

3.Sivakumar

4.Ramcharan : Respondents 2 to 4 / Defendants 1 to 3

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 01.10.2015 passed in I.A.No.325 of 2013 in O.S.No.234 of 2012 on the file of the District Munsif Court, Aruppukottai, by allowing this Civil Revision Petition.

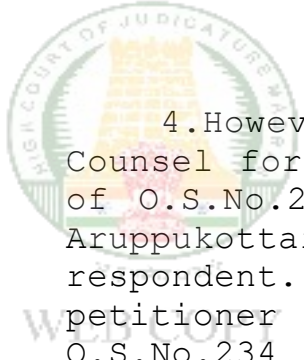
For Petitioner : Mr.A.P.Athithan
For Respondent No.1 : Mr.G.Marimuthu

O R D E R

The first respondent herein is a third party to O.S.No.234 of 2012 on the file of the District Munsif Court, Aruppukottai. The said suit was instituted by one Alagarsamy, the revision petitioner herein. It is a suit for declaration and permanent injunction. In the said suit, the first respondent herein filed I.A.No.325 of 2013, for getting himself impleaded. The Court below allowed the said Interlocutory Application by order dated 01.10.2015. The said order is assailed in this Civil Revision Petition.

2.The learned Counsel for the first respondent submitted that three items of the suit property belong to him and that in order to affect his rights, this collusive suit has been instituted by the revision petitioner against the respondents 2 to 4. He therefore contended that the Court below was justified in permitting him to get impleaded, in order to avoid multiplicity of litigation.

3.I am unable to agree with the said submission. The revision petitioner is the plaintiff in the suit. As the *dominus litus* is entitled to choose the defendants against whom he seeks relief. The revision petitioner has not sought any relief against the first respondent herein. Therefore, the Court below had erred in allowing I.A.No.325 of 2013, filed by the first respondent. Hence, the order impugned in this Civil Revision Petition is set aside.



4.However, to allay the apprehensions expressed by the learned Counsel for the first respondent, it is clarified that the out come of O.S.No.234 of 2012, on the file of the District Munsif Court, Aruppukottai, will not have any bearing on the rights of the first respondent. It will not bind him in any manner. If the revision petitioner seeks to project the order or decree obtained in O.S.No.234 of 2012 against the first respondent, the first respondent is always at liberty to institute an independent suit against the revision petitioner to establish his rights over those items of the suit property over which he claims ownership.

5.With the above observations, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar(CS II)

To

The District Munsif, Aruppukottai.

1CC TO MR. T.R. SUBRAMANIAN, ADVOCATE SR NO.80001
1CC TO MR .G.M.LAW OFFICE, SR NO. 80039

MR

VB RP SAR 2
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2P 4C

ORDER MADE IN
C.R.P.PD[MD]No.144 of 2016
24.08.2018