



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) Nos.1475 and 1476 of 2018

and

C.M.P. (MD) .No.6386 of 2018 in C.R.P. (MD) .No.1476 of 2018

In C.R.P. (MD) .No.1475 of 2018:

R.K.Arun Karthick Babu
represented through his Power Agent
R.Kasirajan

.. Petitioner/ Petitioner /
Proposed 3rd defendant

vs.

1. Subbulakshmi

.. 1st Respondent/
1st Respondent / Plaintiff

2. Muthulakshmi

3. Chandrasekar (died)

.. Respondents 2 & 3 /
Respondents 2 & 3 /
Defendants 1 & 2

In C.R.P. (MD) .No.1476 of 2018:

1. Kasirajan

.. 1st Petitioner/1st Petitioner/
Power Agent

2. R.K.Arun Karthick Babu

.. 2nd Petitioner/ 2nd Petitioner /
Proposed 3rd defendant

vs.

1. Subbulakshmi

.. 1st Respondent/
1st Respondent / Plaintiff

2. Muthulakshmi

3. Chandrasekar (late)

.. Respondents 2 & 3 /
Respondents 2 & 3 /
Defendants 1 & 2

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 26.02.2018 passed in I.A.Nos.29 and 30 of 2018 in O.S.No.519 of 2015 on the file of the Principal District Munsif Court, Tuticorin.

In both petitions:

For Petitioners

: Mr.V.Perumal

For Respondent No.1

: No appearance

For Respondent No.2

: Left

For Respondent No.3

: Proof not filed

COMMON ORDER

The first respondent herein filed O.S.No.519 of 2015 before the Principal District Munsif Court, Tuticorin, seeking the relief of permanent injunction. The defendants are the mother-in-law and her husband. During the pendency of the suit, the plaintiff's husband passed away. The surviving defendant, namely, the mother-in-law of the plaintiff sold the property in question in favour of one Arun Karthick Babu. The said Arun Karthick Babu is in overseas employment. Therefore, he wanted to implead himself in the suit proceedings and he wanted the Power of Attorney granted in favour of his father Kasirajan is to be recognised. Therefore, two IAs were filed in this regard; I.A.No.29 of 2018 is one for impleading, filed under Order 1 Rule 10 of CPC., I.A.No.30 of 2018 is for recognising the Power of Attorney under Order 3 Rule 3 of CPC. Both the IAs were dismissed by order, dated 26.02.2018. They are challenged in these two civil revision petitions.

2. Heard the learned counsel appearing for the revision petitioner. Though the plaintiff Subbulakshmi has received the summons and her name appears in the cause list, she has not chosen to enter appearance either in person or through counsel.

3. Though as pointed out by him, the revision petitioner has sufficient interest in the subject matter, it is to be noted that what has been filed is a Suit for injunction. The plaintiff has not sought any relief against the revision petitioner herein. Therefore, the rights of the revision petitioner will in no way be affected, even if the suit is decreed. The first respondent being the dominus litis is entitled to make the person against whom, he/she seeks relief as the defendant. Therefore, reserving the right of the revision petitioner to work out the remedies in the manner known to law, by filing independent suit, if necessary, against the first respondent, these Civil Revision Petitions are dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

PJL

To

1.The Principal District Munsif,
<https://hcservices.ecourts.gov.in/hcservices/>
Tuticorin.



2.The Section Officer, (2 COPIES)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1cc to M/S.V.Perumal, Advocate in SR No.78493

**C.R.P. (MD) Nos.1475
and 1476 of 2018**

NM/RSK/S2/05.10.18/3P/5C