



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD)(MD).No.2456 of 2016

and

C.M.P.(MD).No.11590 of 2016

Ramasamy

... Petitioner/Petitioner/Appellant

Vs.

1. Chinnamallu

2. Voomaidurai

3. Latchumanan

4. S.R.Thangam

5. Gurusamy

6. Latchumanan

7. Karuthapandi ...Respondents/Respondents 1 to 7/Defendants 1 to 7

8. Chinnalakshmi

... Respondent/Respondent 8/Proposed Defendant 8

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order dated 15.03.2016 passed by the Subordinate Judge, Kovilpatti in I.A.No.47 of 2014 in A.S.No.50 of 2010.

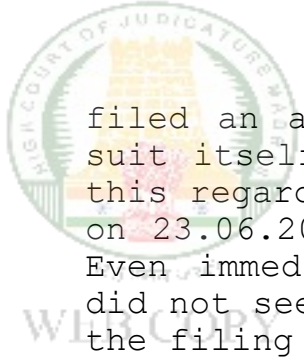
For Petitioner	:	Mr.R.Devaraj
For R1 & R2	:	No appearance
For R8	:	Mr.S.Pon Senthilkumar
R3 to R7	:	Exparte in EB

O R D E R

The petitioner herein filed a suit in O.S.No.31 of 2008 before the District Munsif Court, Vilathikulam, seeking the relief of declaration and permanent injunction and for mandatory injunction. The defendants took a plea that one Chinnalakshmi is also necessary party to the proceedings. The plaintiff did not take the cue. In fact, an issue was framed in this regard. The suit came to be dismissed ultimately. Questioning the same, A.S.No.50 of 2010 was filed. In the said first appeal, the revision petitioner took out I.A.No.47 of 2014 for impleading the said Chinnalakshmi. The first appellate Court dismissed the said I.A.No.47 of 2014. Challenging the same, the present Civil Revision Petition has been filed.

2. The learned counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum of grounds.

3. I am unable to agree with the said submissions made by the learned counsel for the revision petitioner. As rightly pointed out by the learned counsel for the respondents, the name of Chinnalakshmi is prominently projected in the written statement. The revision petitioner, if he was diligent enough, ought to have



filed an application for impleading the said Chinnalakshmi in the suit itself. He did not do so. Even after issue No.2 was framed in this regard, he did not take any steps. After the suit was dismissed on 23.06.2010, the present appeal was filed in the very same year. Even immediately after filing the appeal, the revision petitioner did not seek to implead the said Chinnalakshmi and three years after the filing of the first appeal, the I.A. came to be filed. There was a gross delay on the part of the revision petitioner. Therefore, the Court below was right in dismissing I.A.No.47 of 2014. No ground has been made out for interfering with the said order. There is no merit in the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Subordinate Judge,
Kovilpatti.

- 1 CC TO Mr.R.Devaraj , ADVOCATE IN SR No. 85534.
- + 1 CC TO Mr.S.Pon Senthilkumar, ADVOCATE IN SR No.85515.
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- AKV
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