



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) Nos.1675 and 1676 of 2018

P.Rajangam

.. Petitioner/1st Respondent/
Plaintiff
in both petitions

vs.

1.S.Selvam

.. 1st Respondent/ Petitioner/
3rd Party
in both petitions

2.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Thiruppalai,
Madurai- 14.

3.The Divisional Manager,
Tamil Nadu Electricity Board,
(Melur Sub-Division),
Meenakshi Complex,
Melur Town,
Madurai District.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Melur Taluk,
Madurai District.

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

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.06.2018 made in I.A.Nos.1912 & 1913 of 2017 in O.S.No.263 of 2016 on the file of the District Munsif Court, Melur.

In both petitions:

For Petitioner : Mr.PT.S.Narendravasan

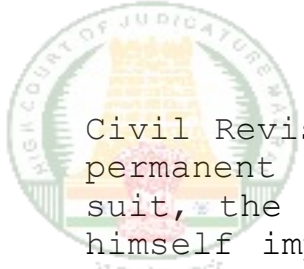
For Respondent No.1 : Mr.M.Kannan

For Respondent Nos.2 & 4: No appearance

For Respondent No.3 : Insufficient address

COMMON ORDER

The plaintiff in O.S.No.263 of 2016 on the file of the District Munsif, Melur is the revision petitioner in both these



Civil Revision Petitions. The suit was filed seeking the relief of permanent injunction against the Electricity Board. In the said suit, the first respondent herein filed two IAs. One for getting himself impleaded in the IA filed by the plaintiff and the other for getting himself impleaded in the main suit. Both the IAs were allowed. Challenging the same, these Civil Revision Petitions have been filed.

2. Since, in the meanwhile, the plaintiff did not carry out the amendments, the suit itself came to be dismissed for default. It appears that an application for restoration of suit is still pending.

3. It is also seen that the first respondent herein filed O.S.No.57 of 2015 against the Electricity Board and the same was disposed of in Lok Adalat. In fact, pursuant to the said Lok Adalat award that the Electricity Board is attempting to draw electricity lines over the plaintiff's suit property that led to the filing of the present suit.

4. This Court has to frown upon the conduct of the revision petitioner as well as that of the first respondent. When the first respondent filed O.S.No.57 of 2015 obviously the present revision petitioner/plaintiff was a necessary party. The first respondent got an award before the Lok Adalat behind the back of the revision petitioner. Therefore, it is made clear that in the guise of enforcing the Lok Adalat award, the revision petitioner's right will not be impaired. O.S.No.263 of 2016 will be independently dealt with. Hence, O.S.No.263 of 2016 shall stand restored to file, because the dismissal for default had taken place during the intervening period. However, this Court has to necessarily come to the conclusion that the first respondent is a proper, necessary and interested party in the present proceedings. Therefore, the Court below rightly allowed the impleading applications and no ground is made out for interference.

5. Hence, these Civil Revision Petitions are dismissed with the aforesaid directions and observations. No Costs. The Court below shall endeavour to dispose of the suit in O.S.No.263 of 2016 within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Writs)

// True Copy //



To
The District Munsif,
Melur.

+ 1 CC TO MR.PT.S.NARENDRAVASAN, ADVOCATE IN SR NO.85069

WEB COPY
+ 1 CC TO MR.M.KANNAN, ADVOCATE IN SR NO.85292

PJL

BU/PM/SAR-III :30.10.2018 : 3P/4C

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