



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.2001 of 2018

and

CMP (MD) No.8797 of 2018

1. Muthoot Fincorp Limited,
Muthoot Center,
Punnen Road, Trivandrum,
Kerala - 695 034.

2. Muthoot Fincorp Limited,
Elumalai Branch, Elumalai.

... Petitioners/Petitioners/
Plaintiffs

(1st & 2nd petitioners represented
by its Authorised Signatory)

Vs.

1.C.Sundarapandiyan
2.V.Chinnathevar
3.C.Malarkodi

... Respondents 1 to 3/
1 to 3 Respondents/
1 to 3 defendants

4.Panjamal
5.Mahendran
6.Dhiraviam
7.Poojaimani
8.Koattaisamy
9.Illayarani

... 4th to 9th Respondents/
4th to 9th Respondents/
Proposed 4th to 9th Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A No.208 of 2017 in O.S No.145 of 2016 dated 16.03.2018 on the file of the learned 4th Additional District Judge, Madurai.

For Petitioners : Mr.P.Pethu Rajesh

For Respondents : Mr.M.Kumar for R4 to R9

R1 to R3 - No appearance

**ORDER**

O.S No.145 of 2016 on the file of the 4th Additional District Judge, Madurai was filed by the petitioners herein. It is a suit for recovery of money from the first defendant Sundarapandiyan and two others. After the said suit was filed, the plaintiffs company came to know that the proposed defendants are also having interest in the property in question by virtue of a subsequent partition deed. Therefore, the plaintiffs filed two applications. One for amending the plaint and the other for impleading the proposed respondents. The court below by the order impugned in this civil revision petition had partly allowed the impleading application and permitted the fifth respondent herein Mahendran alone to be impleaded as a defendant. The said application was dismissed in respect of the other parties. Questioning the same, this civil revision petition has been filed.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the proposed respondents.

3.Though the learned counsel appearing for the proposed respondents raised a number of technical objections, I am of the view that they need not be gone into at this stage. This is only an application for impleading the proposed respondents as defendants. After they are impleaded as defendants, they are always at liberty to file their written statement raising all the defences available to them.

4.In this view of the matter, the order impugned in this civil revision petition is set aside and this civil revision petition is allowed. I.A No.208 of 2017 is allowed in toto. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The 4th Additional District Judge, Madurai.

+ 1 CC TO Mr.P.PETHU RAJESH, ADVOCATE IN SR No. 94164

SKM

TE/BK/SAR-1 : 14/12/2018 : 2P/3C