

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (PD) Nos.1524 & 1525 of 2009

M.P.No.1 of 2009 in C.R.P.(PD).No.1524 of 2009 &

M.P.No.1 of 2009 and M.P.No.1 of 2013 in C.R.P (PD) No.1525 of 2019

Mr.J.K.S.Edgar Wesley

.. Petitioner in C.R.P.(PD)
No.1524 of 2009

Mrs.Jeyamani Wesley

.. Petitioner in C.R.P.(PD)
No.1525 of 2009

Vs.

1. Mr.G.D.Anand
2. Mr.Ram Babu
3. Mr.Nesaraj
4. Mr.Esther Samson

... Respondents in C.R.P.
(PD) No.1524 of 2009

1. Mr.G.D.Anand
2. Mr.Ram Babu
3. Mr.Nesaraj
4. Ms.Paulin Ritchis
5. Mr.Mohammed Hussain

... Respondents in C.R.P.
(PD) No.1525 of 2009

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the judgment and Order made in I.A.No.6359 of 2008 in O.S.No.1462 of 2004 and I.A.No.6382 of 2008 in O.S.No.1461 of 2008 dated 05.11.2008 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.A.S.Narasimhan
in both C.R.Ps.

For Respondents in
C.R.P.No.1524 of 2009 : R1 – Given up
Mr.R.Thiagarajan – R2 & R4
R3 – No appearance

For Respondents : R1 – Given up
C.R.P.No.1525 of 2009 : R2 and R3 – No appearance
R4 and R5 – Dismissed
vide Order dated 30.09.2011

COMMON ORDER

This revision has been filed against the Order of dismissal of the application by the trial which has been filed for impleading the subsequent purchaser in the suit.

2. The suit has been filed for permanent injunction against the defendants 1 to 3 for permanent injunction not to evict him on the basis of he lease deed dated 12.11.2003 said to have been executed by the first defendant in favour of the plaintiff. It appears that the proposed party has purchased the suit property and the proposed party has become the owner of the suit property.

3. It is the contention of the learned counsel for the revision petitioner that since the proposed party has purchased the property, he has to be impleaded in the suit for seeking permanent injunction against the present owner.

4. Heard the learned counsel for the revision petitioner and the learned counsel for the respondents and perused the materials available on record.

5. At the outset, this Court do not agree with the submissions of the learned counsel for the revision petitioner. Suit for bare injunction is maintainable only on separate cause of action. When the suit was filed, the proposed party was no where in the picture. He has become the owner of the property subsequently. When there was no cause of action arose against the proposed party, he cannot be impleaded in the suit. The trial Court also take note of the fact that the suit is against owner of the property and such relief also is not maintainable in law. Hence, I do not find any infirmity or illegality in the Order passed by the trial Court.

6. Accordingly, these Civil Revision Petitions are dismissed and the Order of the trial Court is confirmed. Consequently, the connected miscellaneous petitions are closed. No cost. The trial Court shall dispose of the suit within a period of three months from the date of receipt of a copy of this Order.

27.02.2019

vrc

To
The XVIII Assistant Judge, City Civil Court, Chennai.

N.SATHISH KUMAR, J.

vrc



CRP.(PD) Nos.1524 & 1525 of 2009

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