

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.429 of 2019
and
C.M.P.No.2887 of 2019

1.Perumal
2.Saroja

... Petitioners

Vs

1.Puttan
2.Kumutha
3.Rajesh

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 15.11.2018 in I.A.No.437 of 2018 in O.S.No.54 of 2017 on the file of the learned District Munsif, Harur, by allowing the Civil Revision Petition.

For Petitioners : Mr.A. Gokulakrishnan

ORDER

The Civil Revision Petition has been filed challenging the order of the learned District Munsif, Harur, in I.A.No.437 of 2018 in O.S.No.54 of 2017. The petition in I.A.No.437 of 2018 has been taken out by the defendants to implead the proposed parties as party defendants in the suit.

2.The above application has been filed on the ground that the proposed parties have colluded with the plaintiff and tried to interfere with the defendants' use of the pathway and therefore, to understand the true facts, it is necessary to implead them. It is needless to state that the plaintiff, being the *dominus litus* has the prerogative to close his adversary, the defendants cannot compel the plaintiff to implead the parties for their convenience and if the defendant is aggrieved by any act of the proposed parties on account of a collusion between such third parties and the plaintiff, it is well open to them to file a separate suit. This

apprehension cannot be aground for seeking to implead the third parties as parties to a suit. I find no infirmity in the order of the learned District Munsif, Harur.

This Civil Revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.02.2019

Index : Yes/No
Internet : Yes/No
mps

To

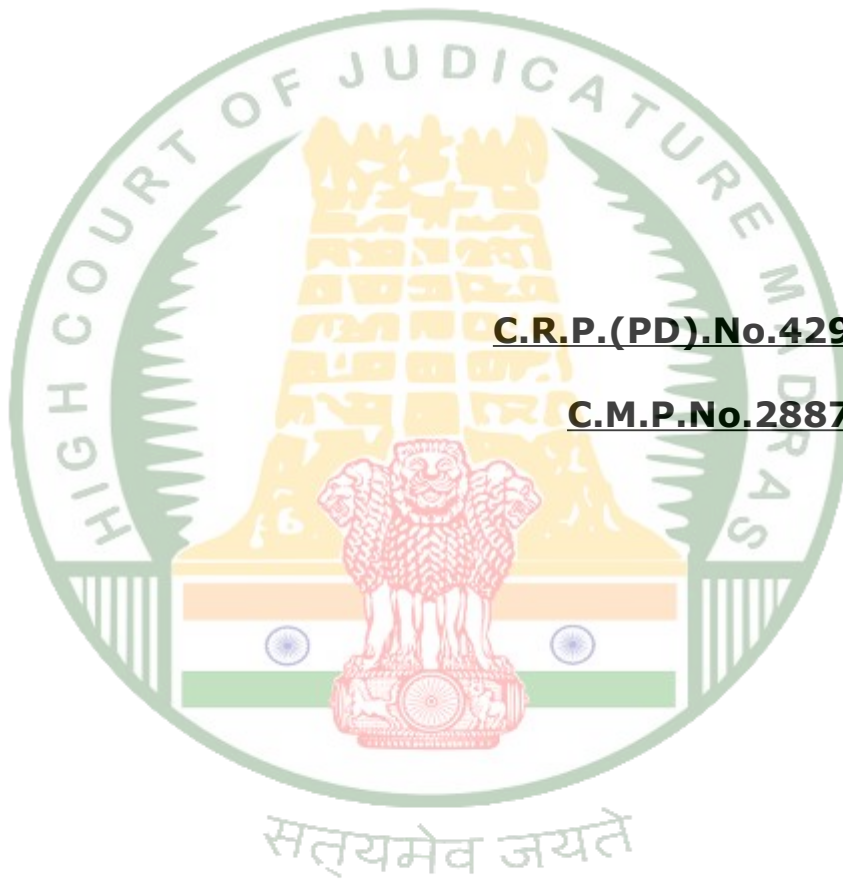
The District Munsif,
Harur.



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P.T. ASHA, J,

mps



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