

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(PD)No.3205 of 2011

and

M.P.No.1 of 2011

Mary Philomina

...

Petitioner

Vs

1.Minor S.Jekanthdev

2.Minor S.Praveen Kanth
rep.by their Guardian father
T.R.Sahadevan

3.S.Vijaya

4.S.Murugan

...

Respondents

Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned XI Assistant City Civil Judge, Chennai in I.A.No.1161 of 2011 in O.S.No.2284 of 2004 dated 13.07.2011.

For Petitioner : Mr.T.Surendran

For Respondents : No appearance

ORDER

Aggrieved over the order passed by the learned XI Assistant City Civil Judge, Chennai in I.A.No.1161 of 2011 in O.S.No.2284 of 2004 dated 13.07.2011, allowing the petition filed by the parties to implead them as plaintiffs 3 and 4 in the suit on the basis of the alleged settlement, the present revision petition is filed.

2.The suit has been originally filed for permanent injunction and during the pendency of the suit, it appears that the first plaintiff has executed settlement in favour of the minors / proposed parties. Hence an application was filed to implead them as plaintiffs 3 and 4. The application was opposed by the defendant on the ground that ownership of the property was already decided in a writ petition filed before this Court.

3.I have heard the learned counsel for the petitioner and perused the materials available on record.

4.At the outset, I do not find any illegality in the order passed by the Trial Court. Though a suit has been filed for bare injunction, considering the fact that the husband of the first plaintiff has already filed a suit in O.S.No.2225 of 2003 and that suit was dismissed and in

respect of the same, the subject matter was also decided in favour of the defendants therein, a mere impleadment of the subsequent title holders in the suit will not prejudice the rights of the revision petitioner. In fact, the lis can be decided finally by placing all the materials and the earlier judgments of the Courts in respect of the subject matter. I do not find any error or infirmity in the impugned order passed by the Trial Court so as to warrant interference.

5.Hence this Civil Revision Petition is dismissed. The Trial Court is directed to dispose of the suit in O.S.No.2284 of 2004 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No

12.03.2019

KM

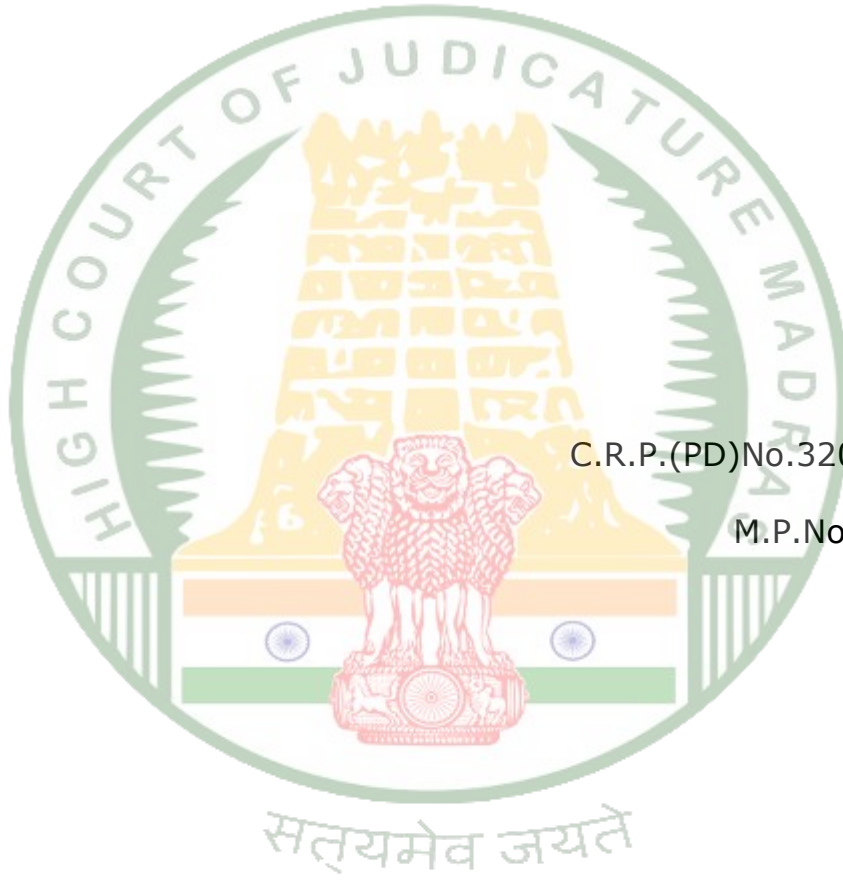
To

The XI Assistant City Civil Judge, Chennai.

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N.SATHISH KUMAR, J.

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