

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)Nos.3673 & 3674 of 2016
and
CMP.No.18663 of 2016

Mr.P.Aloysius Bruno Justus,
Rep.by his Power of Attorney and
Agent Mr.P.Alwin Aldo Kyasinthu
S/o.S.Pious
No.5/88, Gowrin Amman Street,
Injambakkam, Chennai – 600 042.

... Petitioner

Vs.

1.Rajamani

2.Gnanasironmani

3.Balaraman

4.M/s.Subam Shelters Private Limited,

Rep.by its Directors,

(i) Mr.R.Sakthivel

(ii) Mr.G.D.Sukumaran

... Respondents

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India against the fair and decretal order dated 08.06.2019 in I.A.Nos.300 & 298 of 2014 in I.A.No.665 of 2013 in O.S.No.461 of 2012 on the file of the District Munsif Court, Alandur.

For Petitioner : Mr.S.William

For Respondents

RR 1 to 3 : No Appearance

R4 : Mr.G.Vijaya Kumar

COMMON ORDER

The petitioner is the plaintiff. He filed a suit for injunction against the respondents 1 to 3. It appears that the suit property was sold by the respondents to the proposed party. The petitioner seeks to implead the subsequent purchaser as 4th defendant in the suit. The trial Court has dismissed the petition as pre-mature as there is no cause of action averred against the proposed party.

2. The learned counsel for the petitioner would submit that he has also filed a petition for amendment of plaint, whereby he seeks declaration of title and permanent injunction.

3. The petitioner is entitled to implead the 4th respondent only after appropriate amendments in the pleadings as to declaration of title and cause of action is raised against the proposed parties. As rightly held by the trial Court, the application is pre-mature and without any cause of action.

4. Accordingly, these Civil Revision Petitions do not merit any consideration and hence, the same are dismissed. However, it is made clear that, it is open to the petitioner to approach the trial Court for the above relief after making suitable amendments to the plaint. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2019

bri

Index:Yes/No
Speaking Order/Non Speaking Order

To

The Judge,
District Munsif Court,
Alandur.



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M. GOVINDARAJ, J.

bri



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