

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD).No.1416 of 2019

and

C.M.P.No.9313 of 2019

R.Muruganandam

..Petitioner/Plaintiff

Vs

1.T.Chandrasekaran

..1st Respondent/Defendant

2.Selvanayagi

..2nd Respondent/3rd party

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order dated 01.02.2019 passed by the learned Subordinate Judge, Pollachi in I.A.No. 582 of 2018 in O.S.No.284 of 2014.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : No appearance

ORDER

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The above Civil Revision Petition is filed challenging the order passed by the learned Subordinate Judge, Pollachi, in I.A.No.582 of 2018 in O.S.No.284 of 2014, in and by which, an application moved by the first respondent herein to implead herself as party defendant in the above suit had been allowed, based on

which, a prayer was made by the first respondent that the husband, who was shown as the first defendant is mentally unstable, in view of his addiction to alcohol and he was also prone to running away from home and on two occasions, Police complaint had to be filed and only then he could be secured. Therefore, in order to protect the interest of the minor children and herself, she sought to implead herself as party defendant in the said suit.

2 The said application was opposed by the respondent stating that the reason given by the first respondent to implead herself was imaginary one. The learned Judge taking into account the fact that apart from the mortgage suit there was also specific performance suit filed by the defendant and also taking into account the fact that minors interest is involved and that the first defendant being a alcohol addict deemed it fit to implead first respondent as party defendant, in order to protect the interest of the minor, the said application is the subject matter of challenge.

3 Heard the counsel.

4 On perusing the affidavit filed in support of the petition, it appears that the first respondent seeks to be impleaded since, the husband is incapable of protecting the interest of the

person as well as the property of the minors and considering the interest of the minors, it is essential that the first respondent be impleaded as a party to the proceedings, the order does not suffer from any infirmity.

5 In the result, the Civil Revision Petition stands dismissed and order passed by the learned Subordinate Judge, Pollachi in I.A.No. 582 of 2018 in O.S.No. 284 of 2014 dated 01.02.2019 is confirmed. No costs. Consequently, connected miscellaneous petition is also closed.

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12.04.2019

Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

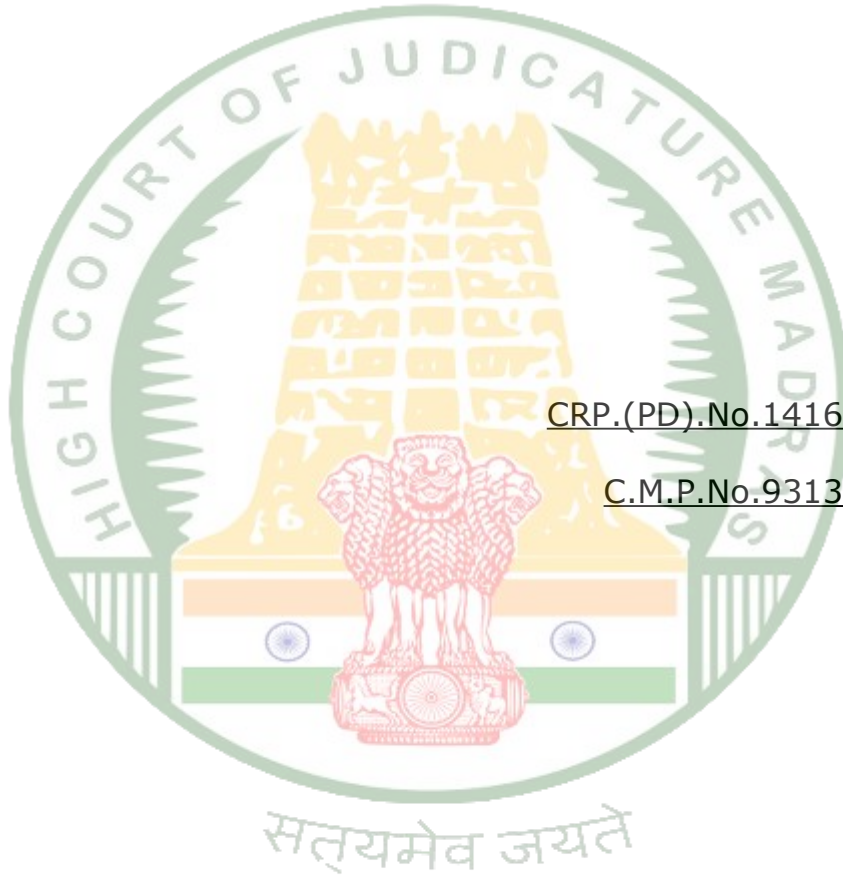
To

The learned Subordinate Judge,
Pollachi.

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P.T.ASHA, J

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