

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

CRP (PD) NO.1680 OF 2019

AND

CMP NO.10875 OF 2019

A.V.Rajan

... Petitioner

Vs.

1.R.Balakrishnan

2.Sri Prasanna Venkata Narayana Perumal Koil
Represented by its Trustee
Perumal Koil Street, Saidapet,
Chennai - 15.

3.S.Monahara Chettiyar

4.Madhanagobal Chettiyar

5.D.Rajasekaran Chettiyar

6.R.Prabhakar Chettiyar

7.A.R.Thiruvangada Chettiyar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order in I.A.No.188 of 2018 in O.S.No.928 of 2017 on the file of the XVII Additional City Civil Court at Chennai, dated 08.03.2019.

For Petitioner : Mr.T.Elumalai

ORDER

This Civil Revision Petition is directed against the order dated 08.03.2019 passed in I.A.No.188 of 2018 in O.S.No.928 of 2017 by the learned XVII Additional Judge, City Civil Court, Chennai.

2. The petitioner filed a petition to implead himself as a party to the suit. The Trial Court has categorically found that the plaintiff is a dominus litis and it is for him to choose the defendant against whom he seeks relief. The petitioner is neither a proper party, nor a necessary party whose presence is required to decide the lis between the plaintiff and defendant. In a suit between the third parties, the petitioner, without any legal right, cannot implead himself and pray for a different relief against the original parties to the suit. The Trial Court has also found that the petitioner can file a suit independently to redress his grievances. The Trial Court has rightly discussed the issues and decided the matter. Hence, I do not find any infirmity in the order passed by the Trial Court.

3. In fine, the Civil Revision Petition merits no consideration and accordingly, stands dismissed. However, it is always open to the

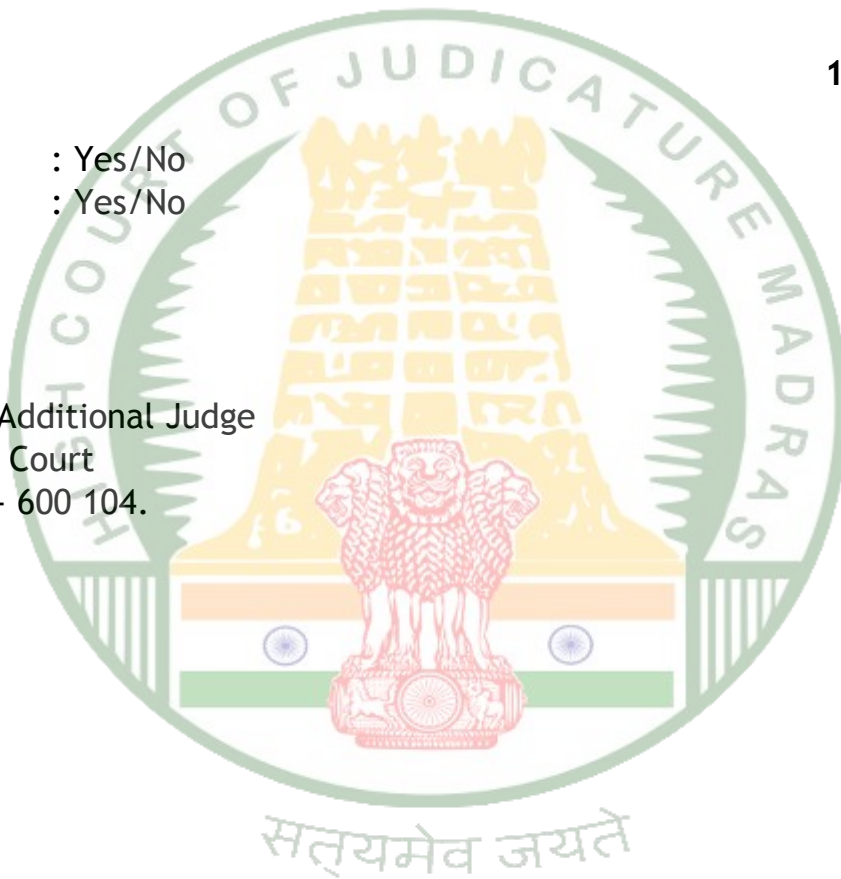
petitioner to redress his grievances by taking appropriate action. No costs. Consequently, connected civil miscellaneous petition is closed.

10.06.2019

Index : Yes/No
Internet : Yes/No
TK

To

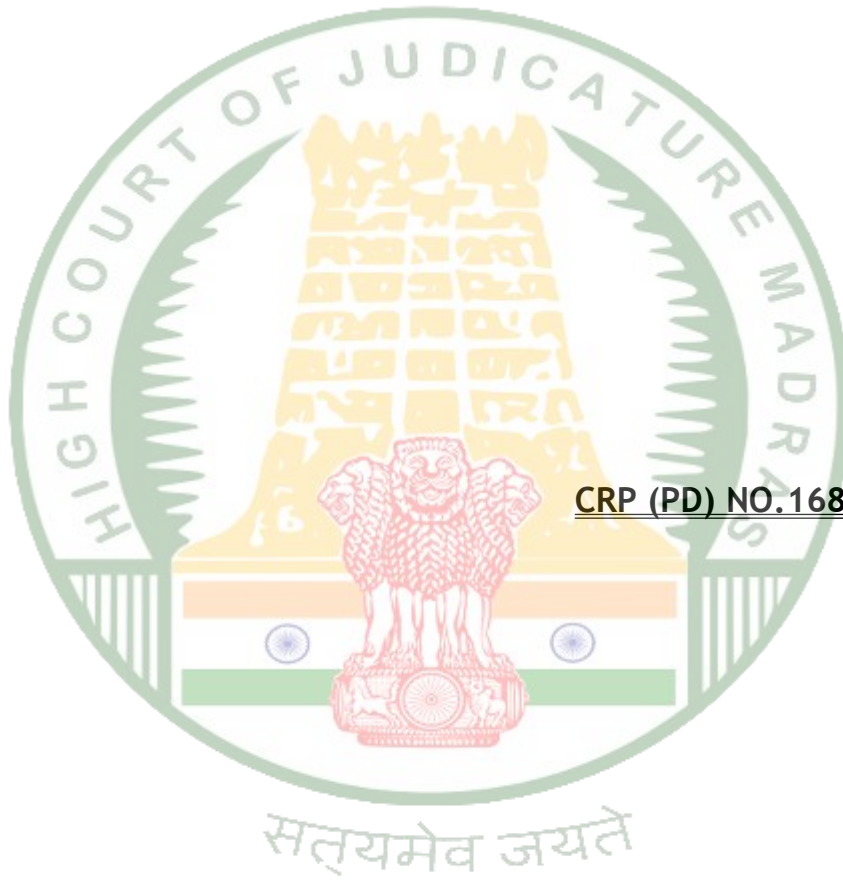
The XVII Additional Judge
City Civil Court
Chennai - 600 104.



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M.GOVINDARAJ, J.

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