

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Civil Revision Petition No.2802 of 2019
and C.M.P.No.18347 of 2019

1.P.Kannan
2.P.Rajkumar
3.P.Vijayakumar

...

Petitioners

-Vs-

1.L.Ranjithkumar
2.L.Muthukumar
3.A.Amirtharaj

...

Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.2 of 2019 in O.S.No.1253 of 2012 dated 03.07.2019 on the file of the V Assistant City Civil Judge at Chennai.

For Petitioner : Mr.M.Bharath

For Respondents : Mr.T.V.Shagul Hameed

ORDER

This revision has been filed against the fair and decreetal order dated 03.07.2019, passed by the learned V Assistant City Civil Judge, Chennai in I.A.No.2 of 2019 in O.S.No.1253 of 2012.

2. Before the trial Court, the respondents 1 and 2 herein were the plaintiffs.

They filed a suit against the third respondent herein, who was the defendant, for a

bare injunction in respect of the property in No.1, Pillayar Koil Street, West Mambalam, Chennai-600 033. The suit is in the trial stage, as the D.W.1 has been in the witness box. At this stage, the aforesaid application in I.A.No.2 of 2019 was filed by the third party petitioners, who are the revision petitioners herein, on the pretext that they are the necessary party in the suit and therefore they should be impleaded as party defendants and they should be heard. In support of their case, their contention before the trial Court was that, the property in question ie., No.1, Pillayar Koil Street, West Mambalam, Chennai-600 033 corresponding to T.S.No.10 belongs to the petitioners, whereas it, according to these petitioners, had been wrongly projected by the plaintiffs before the trial Court as if No.1, Pillayar Koil Street, West Mambalam, Chennai-600 033 is corresponding to T.S.No.9.

3. Therefore, the main controversy is whether the said property in No.1, Pillayar Koil Street, West Mambalam, Chennai-600 033 is corresponding to T.S.No.9 or T.S.No.10, and the same has to be decided by the trial Court.

4. The definite case of the plaintiffs ie., respondents 1 and 2 herein is that, the property is corresponding to T.S.No.9 alone. If at all the third party petitioners has got any property in T.S.No.10, they can adjudicate the same by filing a separate suit and not to be impleaded herein, as the said suit by the plaintiffs was filed for bare injunction restraining the defendants from interfering with their peaceful possession of the property in No.1, Pillayar Koil Street, West Mambalam, Chennai-

600 033 corresponding to T.S.No.9.

5. Heard the learned counsel appearing for the revision petitioners as well as the learned counsel for the respondents.

6. The very first controversy to be resolved by the trial Court is that, as to whether the property at No.1, Pillayar Koil Street, West Mambalam, Chennai-600 033, is corresponding to T.S.No.9 as claimed by the plaintiffs or corresponding to T.S.No.10, as claimed by the third party petitioners herein and then only the trial Court can go into the other aspects as to whether the plaintiffs are entitled to get the injunction. Hence, in order to have a complete adjudication of the issue, the parties herein ie., the petitioners / third party are necessary parties to be impleaded in the suit. Otherwise, it will be a multiplicity of proceedings, which are not required in the given circumstances. Therefore, the third party have rightly sought for impleading themselves in the suit and their prayer can very well be accepted.

7. In that view of the matter, this Court is constrained to allow this revision petition, by setting aside the order passed by the trial Court and accordingly, the petitioners herein are impleaded as defendants in the suit in O.S.No.1253 of 2012.

8. Since the suit is of the year 2012, and is in the trial stage, where according to the learned counsel for the respondents / plaintiffs, D.W.1 has been in the witness box for more than three years, the trial Court shall see that the trial is

completed at the earliest, including the written statement to be filed, if any by the

R. SURESH KUMAR, J.

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presently impleaded party defendants, that if any evidence be let in, the same shall be allowed and let the parties also shall cooperate to complete the trial within six months from the date of receipt of a copy of the order.

9. Accordingly, the Civil Revision Petition is allowed in the terms as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

03-09-2019

Index : Yes / No
Internet : Yes / No
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To

The V Assistant Judge
City Civil Court, Chennai.

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C.R.P. (PD) No.2802 of 2019