

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4163 of 2019

and

C.M.P.No.27112 of 2019

P.B.Alumalai ... Petitioner/3rd Party

Vs.

1. M.Sri Ganesh
2. M.Sri Sakthivel ... Respondents 1&2/Defendants
3. Senthilkuma ... 3rd Respondent/Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the fair and final order dated 05.03.2019 made in I.A.No.346 of 2016 in I.A.No.109 of 2016 in O.S.No.113 of 2015 on the file of the learned Subordinate Judge, Gobichettipalayam.

For Petitioner : Mr.V.P.K.Gowtham

O R D E R

Present revision has been filed against the order impleading the respondents 1 and 2 who are defendants in the suit, as party respondents in the application filed by the petitioner to raise the attachment.

2. Originally, the 3rd respondent/plaintiff filed a suit against the respondents 1 and 2 for recovery of money to the tune of Rs.7,50,400/-. Pending suit, the 3rd respondent/plaintiff filed I.A.No.336 of 2015, seeking attachment of the suit schedule properties and the same was attached. Now the petitioner herein claims right over certain items of the properties attached and filed an application in I.A.No.109 of 2016 to raise the attachment and impleaded the plaintiff alone as a party respondent. Respondents 1 and 2 herein who are defendants in the suit have filed I.A.No.346 of 2016 seeking to implead them as party respondents in I.A.No.109 of 2016 and the same has been allowed. Challenging the same,

the petitioner herein has filed the present revision.

3. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

4. Admittedly the scheduled properties were attached at the instance of the third respondent / plaintiff. Now the petitioner claiming right over one of the items in the schedule properties filed an application to raise the attachment by impleading the plaintiff alone as party respondent in the said application. Respondents 1 and 2 herein who were defendants in the suit against whom attachment has been passed, have filed an application to implead them as party respondent. Since respondents 1 and 2 are the defendants in the suit and against whom attachment order is passed and which is sought to be raised by the petitioner, the trial Court held that they are necessary parties in the said application and allowed the said application. This Court does not find any illegality or irregularity in the same as the trial Court has rightly allowed the application. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the fair and final order of the Court below, impugned in this revision petition, are hereby confirmed. As the learned counsel appearing for the petitioner requested for early disposal, the learned Subordinate Judge, Gobichettipalayam, is directed to dispose of the application in I.A.No.109 of 2016, on merits and in accordance with law, after giving opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD I)MDU

//True Copy//

Sub Assistant Registrar

KK

To

The Subordinate Judge,
Gobichettipalayam.

C.R.P.No.4163 of 2019 and
C.M.P.No.27112 of 2019

SV(CO)
KKV/16/06/2020