



COMMON ORDER

These Civil Revision Petitions have been filed challenging the fair and final orders passed by the Court below dismissing the applications filed by the petitioner to implead himself in the suit and in the application that was filed in the suit.

2. The first respondent / plaintiff has filed a suit for bare injunction against the second and third respondents / defendants. The petitioner had filed applications for impleading himself both in the suit and in the application for interim injunction on the ground that the vendor of the plaintiff had executed an agreement of sale in his favour and he filed a suit for specific performance in O.S.No.57 of 2004 and the suit was also decreed by a judgment and decree dated 31.10.2006. Based on this decree, a registered sale deed was also executed in favour of the petitioner. The petitioner had further stated that the first respondent has filed a vexatious suit against the Police Officials and thereby, preventing the petitioner from putting up the construction in the property and the petitioner is a necessary party in the proceedings.

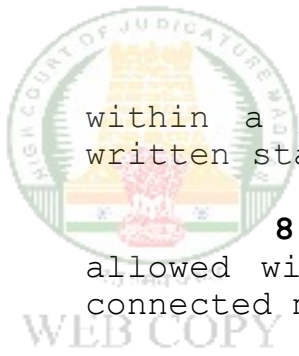
3. The Court below dismissed the applications on the ground that the cause of action in the present suit is only directed against the Police officials and the first respondent is the dominus litus, who cannot be forced to add anyone as a party to the suit.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first respondent.

5. The second and third respondents have been served with notice and their names have also been printed in the cause list and there is no representation on behalf of the second and third respondents.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has now acquired a right and title in the property by virtue of the sale deed executed in his favour by the Court, pursuant to a decree passed in O.S.No.57 of 2004, the petitioner is a necessary party to the proceedings and the suit cannot be comprehensively disposed of without hearing the petitioner.

7. In the result, the fair and final orders passed by the Court below in I.A.Nos.591 and 592 of 2012, dated 09.10.2012, are hereby set aside. The Court below is directed to implead the petitioner as a third defendant in the suit and the petitioner shall file a written statement immediately. The suit shall be disposed of



within a period of three months after the petitioner files the written statement in the suit.

8. Accordingly, these Civil Revision Petitions stand allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1.The Ist Additional District Munsif Court, Nagercoil.

2.The Record Keeper,VR Section,
Madurai Bench of Madras High Court,
Madurai. (2c)

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-100843[F] dated
25/11/2019)

+1cc to Mr.N.Dilipkumar, Advocate, SR No.100993

CRP. (MD) .Nos.2370 & 2371 of 2012(PD)

22.11.2019

KK/SAR/13.12.2019/3P-6C/