

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).No.1710 of 2013

Usha Rani

... Petitioner

Vs.

1.M.Poonkodi

2.Elumalai

3.Rudrakoti

... Respondents

Civil Revision Petition filed under Section 227 of the Constitution of India, against the Suo-Motu order dated 28.03.2013 passed in O.S.No.567 of 2000 on the file of the Principal District Munsif Court, Alandur.

For petitioners : Mr.L.Chandrakumar

For Respondents : Mr.T.Thiyagaraajan (for R1)

: No Appearance - R2 & R3

ORDER

The revision petitioner is the third defendant in the suit O.S.No.567 of 2000 on the file of the Principal District Munsif Court, Alandur. The trial court, by a Suo-Moto order dated 28.03.2013 directed to implead one Lakshmi as a party to the suit. It is useful to extract the order dated 28.03.2013, which reads as follows:-

"Suo-moto reopened. It is seen from the records that out of 2400 sq.ft. 1200 sq.ft. is under the possession of the 3rd defendant and the rest of the portion is in the lies of the Lakshmi. She is also a necessary party to be added in the suit in the interest of justice the plaintiff is directed to take steps to add the said Lakshmi as a proposed defendant in this suit. If the plaintiff feels that the said Lakshmi is not required as a necessary party a memo may be filed to that effect. Call on 09.04.2013."

2.Aggrrieved against the above said order, the third defendant in the suit O.S.No.567 of 2000 has preferred this present revision.

3.Heard both sides and perused the materials available on record.

4.After hearing both sides, the learned counsel for the first respondent has stated that the plaintiffs have already filed an application in I.A.No.7389 of 2013 before the District Munsif Court, Alandur to implead Lakshmi as one of the parties. The said application was returned on the ground that a Civil Revision Petition has been filed and pending before this Court.

5.After perusing the order passed by the learned Judge, it is clear that the Suo-Moto power can be exercised to reopen the case to implead one Lakshmi as necessary party. At the same time, the trial court has given an option either to implead Lakshmi as a party, if not to file a memo to that effect.

6.Learned counsel for the petitioner found fault with such exercise of Suo-Moto power by the trial court as it would prolong the decision in the suit.

7.In view of the fact that an application seeking to implead the said Lakshmi was already filed, I do not find any irregularity or illegality in the order passed by the trial Court. The Trial Court is directed to number the application in I.A.No.7389 of 2013 for impleading Lakshmi as one of the parties to the suit, if it is otherwise in order. Learned counsel for the respondents herein is required to instruct the Lower Court counsel and to re-present the petition in I.A.No.7389 of 2013, within a period of two weeks from the date of receipt of a copy of this order. On such re-representation, the Trial Court is directed to number the same and disposed of the same thereafter.

8.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

The Principal District Munsif, Alandur.

+1 cc to M/s.L.Chandrakumar, Advocate Sr.No. 3837

+1 cc to M/s.T.Thiyagarajan, Advocate Sr.No. 4186

AKM/27.02.2020/2P-4C /

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and MP.No.1 of 2013