

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.1854 of 2020

CMP.No.11129 of 2020

P.Puvaneswari

Petitioner

Vs

1. R.Jagadish

2. V.G.Tharun Krishnakanth

Respondent

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the order, dated 14.02.2020, made in IA.No.28 of 2019 in OS.No.36 of 2019, by the Special Sub Judge for LAOP Cases, Vellore.

For Petitioner : Mr.M.Sathish Kumar

ORDER

1. This Civil Revision Petition has been filed, to set aside the order, dated 14.02.2020, made in IA.No.28 of 2019 in OS.No.36 of 2019, by the Special Sub Judge for LAOP Cases, Vellore.
2. This court heard the learned counsel for the Petitioner.
3. The proposed party in the IA.No.28 of 2019 in OS.No.36 of 2019 is the Petitioner herein. The Respondent herein has filed the said suit, seeking return of money paid on the promissory note issued by the sole defendant in the suit in pursuance to the advance amount paid for the agreement of sale.
4. As per the plaint, the plaintiff and the original defendant have entered into

the sale agreement to sell the suit property for a sum of Rs.6,25,000/- and various amounts were said to have been paid. According to the plaintiff, subsequently, he came to know that the property stood in the name of the proposed party herein and not in the name of the original agreement holder and he is only a General Power of Attorney and hence, he has asked for return of the advance amount paid towards the sale consideration, for which, the original defendant has executed a promissory note, based on which, the suit has been laid.

5. Now, pending the suit, the plaintiff has filed IA.No.28 of 2019 to implead the original owner of the property, on whose behalf the original defendant had entered into the agreement and received the sale consideration. Hence, this Court is of the considered view that he is a necessary party for adjudication and the same view was expressed by the Trial Court, which is proper and just and hence, it does not warrant interference by this Court. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

सत्यमेव जयते

08.10.2020

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking
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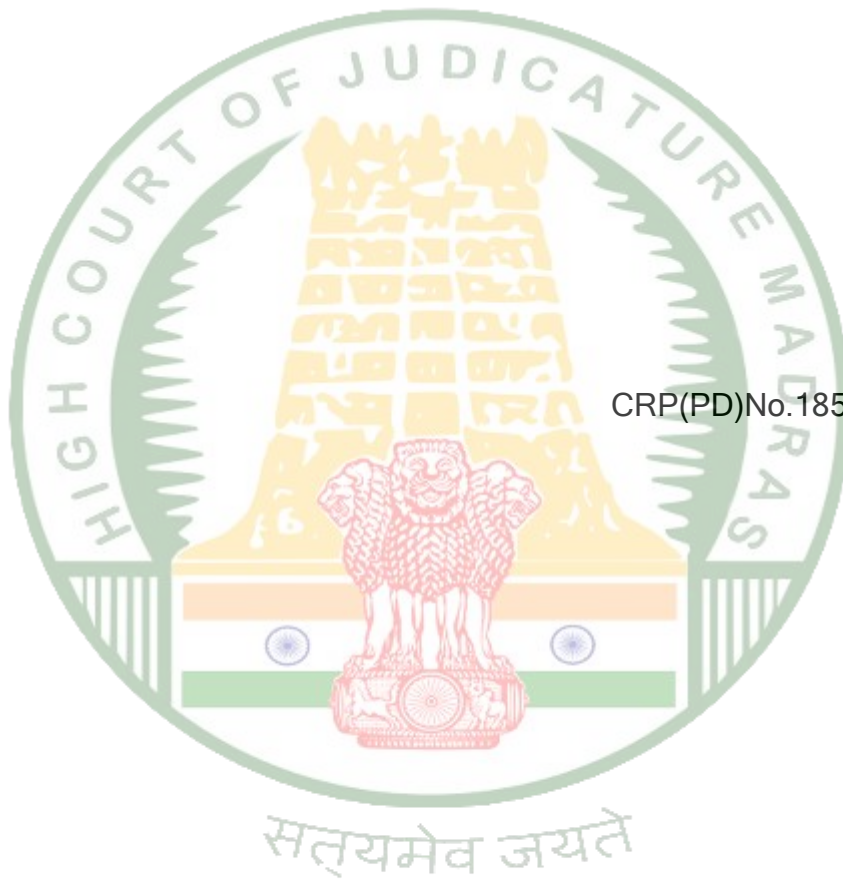
To

1. The Special Sub Judge for LAOP Cases, Vellore.

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RMT.TEEKAA RAMAN, J.

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