

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(PD)No.1677 of 2020

CMP.No.10449 of 2020

1. Amudha
2. Munusamy
3. M.Mohamed Nhaas
4. R.Riyazunissa Begum

Petitioners

Vs

1. Rajeswari Ammal
2. K.Elumalai
3. Vasantha Kumari
4. E.Sesha Kumar
5. E.Srinivasan

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, against the order, dated 04.0.2020, passed in IA.No.1 of 2019 in OS.No.8389 of 2009, by the XVIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.Manickavel

ORDER

1. This Civil Revision Petition has been filed, against the order, dated 04.0.2020, passed in IA.No.1 of 2019 in OS.No.8389 of 2009, by the XVIII Assistant Judge, City Civil Court, Chennai.

2. This court heard the learned counsel for the Petitioner.

3. The defendants in OS.No.8389 of 2009 are the Petitioners 1 and 2 herein.

The Petitioners 3 and 4 are proposed parties/defendants. The said suit was filed by the Respondents herein for declaration of title and for recovery of

possession. After obtaining the exparte decree, they have filed an execution petition, in which, one M.Mohamed Nhaas, the 3rd Petitioner has filed an obstructor's petition and accordingly, the execution petition was closed. Thereafter, the defendants have filed a petition in IA.No.10297 of 2018 to set aside the exparte decree and judgement, dated 15.03.2011. At this juncture, the present IA.No.1 of 2019 has been filed by the defendants to implead the respondents 5 and 6 therein as the proposed defendants 3 and 4 in the suit on the ground that they had sold the property and they have no interest in defending the suit, however, since the relief sought for by the plaintiff is to be adjudicated against the present parties, the said IA was dismissed by the impugned order and hence, this CRP has been filed.

4. The learned counsel for the Petitioners could contend that for effective adjudication and relief, the proposed parties are proper and necessary parties.
5. Admittedly, the Plaintiffs are dominus litis and the Plaintiffs cannot be compelled to sue a person, against whom the plaintiff does not claim any relief. The defendant in the Written Statement has stated that the suit property was ever sold to the proposed defendants. If the proposed parties are interested in defending their title, it is always open to them to file a separate suit, but not in the suit instituted by the Plaintiffs against the present defendants and hence, this CRP is devoid of merits and is liable to be dismissed.
6. In view of the above, this CRP is dismissed, as devoid of merits. However, it

is made clear that if the proposed parties or the defendants want to adjudicate over the suit property, they can file a necessary suit. No costs. Consequently, the connected MP is closed.

07.10.2020

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
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To

1. The XVIII Assistant Judge, City Civil Court, Chennai

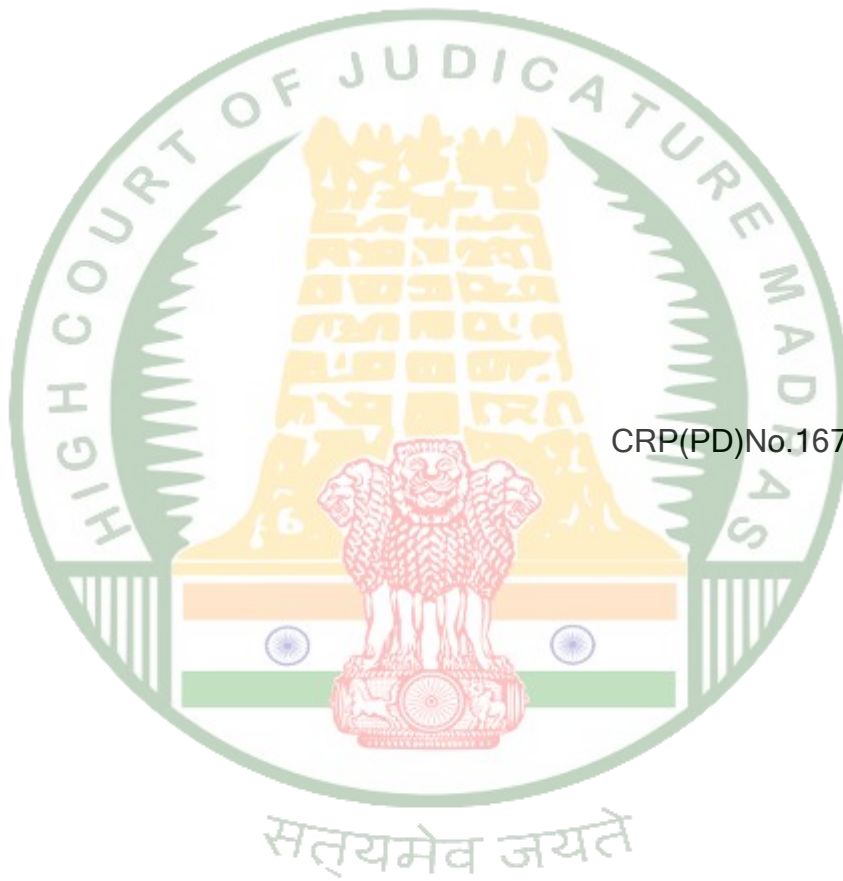


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RMT.TEEKAA RAMAN, J.

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