

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.R.P.(PD) No.1310 of 2017
and C.M.P.No.6081 of 2017

Kathamuthu

... Petitioner/Respondent/Plaintiff

1. Barathan
2. Sakthivel
3. Jayakumar
4. Sarangabani

-vs-

... Respondents/Petitioners/Defendants

5. Tashildar
Marakkanam Taluk,
Villupuram.

6. District Collector,
Villupuram.

... Respondents/Respondents/Proposed Parties

PRAYER: Petition is filed under Article 227 of the Constitution of India to set aside the Order and decree dated 11.04.2016 made in I.A.No.1051 of 2015 in O.S.No.402 of 2009 on the file of the Additional District Munsif, Tindivanam and allow the revision.

For Petitioner : Mr.D.Ravichander

For R1 to R4 : No Appearance

For R5 & R6 : Mr.Y.T.Aravind Gosh
Govt. Advocate

ORDER

The plaintiff had filed a suit in O.S.No.402 of 2009 on the file of the Additional District Munsif, Tindivanam, seeking permanent injunction against the defendants 1 to 4 / R1 to R4, in which, the 2nd defendant filed an application in I.A.No.1051 of 2015 for

impleading R5 and R6 herein as D5 and D6 in the suit. The said application was allowed by the Trial Court on 11.04.2016 and aggrieved by the same, the petitioner / plaintiff is before this Court.

2. Heard the learned counsel for the petitioner. There is no representation for the Respondents 1 to 4, despite their names being printed in the cause list. Mr.Y.T.Aravind Gosh, learned Government Advocate represents R5 & R6.

3. The Trial Court had allowed the impleading application, holding that the documents relied upon by the defendants have to be marked only through the parties to be impleaded.

4. It is the case of the petitioner that after the arguments were over on the side of the petitioner, the application for impleadment has been filed to implead the Respondents 5 & 6 with an intention to drag on the proceedings and no specific reason has been given for seeking such relief.

5. I find much force in the argument of the petitioner. There is absolutely no need to make a person as party to the proceedings for the purpose of marking a document, that too, after completion of the argument. Thus, in the considered opinion of this Court, there is no justifiable ground to implead R5 and R6 as parties to the suit and therefore, the order of the Trial Court is liable to be set aside.

6. In the result, the Civil Revision Petition is allowed and the Order and decree dated 11.04.2016 made in I.A.No.1051 of 2015 in O.S.No.402 of 2009 by the learned Additional District Munsif, Tindivanam is set aside. The Trial Court is directed to conduct the case in O.S.No.402 of 2009 on a day to-day basis without adjourning the same beyond 15 working days at any point of time and bring the issue to a logical end as expeditiously as possible, preferably within one year from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

12.03.2020

Index: Yes / No
Internet: Yes / No
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To:

The Additional District Munsif,
Tindivanam.



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S.VAIDYANATHAN,J.
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