



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (PD) (MD) No.2693 of 2012

and

M.P. (MD) No.1 of 2012

Kanthasamy : Petitioner/Petitioner/Plaintiff

.. Vs ..

1.Mathialagan

2.Balasubramanian

: Respondents/Respondents/
Defendants

3.Shanthi

4.Natarajan

: Respondents/Respondents/Proposed
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair Order and Decretal Order dated 20.09.2012 and made in I.A.No.500 of 2011 in O.S.No.275 of 2008 on the file of the Principal District Munsif Court, Nanguneri and to allow the said application.

For Petitioner : Mr.S.R.Anbarasu

For Respondent 1 : Mr.H.Arumugam

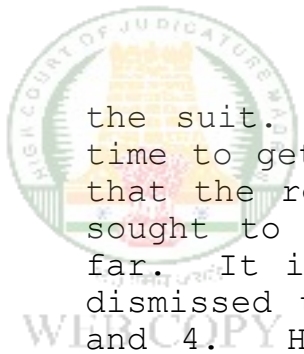
For Respondent 2 : No appearance

Respondents 3 and 4 - Dismissed vide
Court order dated 11.01.2019.

ORDER

This Civil Revision Petition is directed against the order passed by the learned Principal District Munsif, Nanguneri, dismissing the petition filed by the revision petitioner in I.A.No.500 of 2011 in O.S.No.275 of 2008 for impleading respondents 3 and 4 in this Civil Revision Petition.

2.The revision petitioner filed the suit in O.S.No.275 of 2008 for specific performance of an agreement of sale and for permanent injunction restraining the defendants and their men from interfering with the peaceful possession and enjoyment of the suit property. The suit was originally against the defendants 1 and 2 who are respondents 1 and 2 herein. During the pendency of the suit, the revision petitioner filed a petition to implead defendants 3 and 4 as parties to the suit. This petition was dismissed. As against that, the Civil Revision Petition is preferred by the plaintiff in



the suit. The learned Counsel appearing for the petitioner seeks time to get instructions. This Court has seen from the cause title that the respondents 3 and 4, who are proposed parties and who are sought to be impleaded as co-defendants, have not been served so far. It is also noticed that this Court by order dated 11.01.2009 dismissed the Civil Revision Petition as against the respondents 3 and 4. However, this order is not set aside. When the Civil Revision Petition is dismissed as against the respondents 3 and 4, it is not possible for the petitioner to prosecute the Civil Revision Petition against the other two respondents. In such circumstances, this Court find no merit in the Civil Revision Petition and accordingly, this Civil Revision Petition is dismissed as against the respondents 1 and 2 also. No costs. Consequently, the connected miscellaneous petition is closed.

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Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar

SRM

To

The Principal District Munsif,
Nanguneri.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-10255[F] dated 05/03/2020)

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04.03.2020

AP(16.03.2020) 2P 3C