



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (MD)No.153 of 2020

and

C.M.P. (MD)No.841 of 2020

WEB COPY

Sakkaraipandi ...Petitioner / Petitioner / Proposed Defendant

-Vs-

1.Paulpandi ... 1st Respondent / Respondent / Plaintiff

2.Palanisamy ...2nd Respondent / Respondent / Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition by setting aside the order dated 16.09.2019 in I.A.No.1 of 2019 in O.S.No.51 of 2017 on the file of the Sub Court, Periyakulam, Theni District.

For Petitioner : Mr.S.Balaji

ORDER

This Civil Revision Petition is filed against the dismissal of the application filed by the petitioner to implead him as second defendant in O.S.No.51 of 2017.

2.The suit has been originally filed by the plaintiff against the first defendant for specific performance. It appears that the matter was posted for argument. At this stage, an application has been filed by the revision petitioner to implead him on the ground that he is also a joint owner of the property. The Lower Court has held that there is no evidence whatsoever available on record to show that he is the owner of the property. Against which, the present Civil Revision Petition is filed.

3.Heard the learned counsel appearing for the petitioner and perused the entire materials.

4.The application has been filed at the fag end of the trial and the matter was posted for argument. It is the contention of the revision petitioner that he is also having right over the suit property. In respect of which, an agreement was executed by the first defendant in favour of the plaintiff. It is to be noted that the suit is filed based on the agreement between the first defendant and the plaintiff and the plaintiff is the *dominus litus* and filed suit against the first defendant.

5.Such being the position, when the matter is posted for argument, at this stage, the third party cannot be impleaded. If at all he has any right independently he has to establish the same in separate proceedings, not in this suit.



6. Accordingly, this Civil Revision Petition stands dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

Myr
To
The Subordinate Judge,
Periyakulam, Theni District.

+1 CC to M/s.S.BALAJI, Advocate (SR-3551[F] dated 29/01/2020)

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SMA/07/02/2020/2P/3C