

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (PD) No.763 of 2021

and

C.M.P.No.6309 of 2021

C.B.Suryanarayanan .. Petitioner/Petitioner/Plaintiff

Vs

1.C.B.Sankaranarayanan  
2.L.Manimozhiarasu  
3.C.B.Chandranarayanan

4.The Sub Registrar,  
Office of the Sub Registrar,  
Gudiyattam,  
Vellore District

.. Respondents 1 to 4 / Respondents  
1 to 4 / Defendants.

5.The Junior Engineer (O & M)  
Tamil Nadu Electricity Board,  
Gudiyattam,  
Vellore District.

.. 5<sup>th</sup> Respondent / 5<sup>th</sup> Respondent /  
Proposed party.

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Civil Revision Petition filed under Article 227 of Code of Civil Procedure to set aside the Fair and decreetal order dated 26.02.2021 in I.A.No.336 of 2019 in O.S.No.150 of 2018 on the file of the District Munsif Court, Gudiyattam.

|                |    |               |
|----------------|----|---------------|
| For Petitioner | .. | Mr.C.Harish   |
| For Respondent | .. | No appearance |

### ORDER

The Revision Petition has been filed questioning the order in I.A.No.336 of 2019 in O.S.No.150 of 2018 dated 26.02.2021, which is now pending on the file of the District Munsif Court, Gudiyattam.

2.Heard Mr.C.Harish, learned counsel for the petitioner.

3.The plaintiff in O.S.No.150 of 2018 which is now pending on the file of the District Munsif Court, Gudiyattam, is the petitioner herein. The plaintiff had filed I.A.No.336 of 2019 in O.S.No.150 of 2018 seeking to implead the Junior Engineer, (O&M) TNEB, Gudiyattam, Vellore District, as a 5<sup>th</sup> Defendant in the suit.

4.I have had the benefit of the facts in the suit being narrated briefly by the Mr.C.Harish, learned counsel for the petitioner.

5.Mr.C.Harish, learned counsel for the petitioner, pointed out that the suit had been filed seeking to set aside two Sale Deeds. The

1<sup>st</sup> Sale Deed was executed by the 1<sup>st</sup> defendant in his capacity as Power of Attorney of the plaintiff in favour of the 2<sup>nd</sup> defendant. The 2<sup>nd</sup> Sale Deed was executed by the 2<sup>nd</sup> defendant in favour of the 1<sup>st</sup> defendant. The 3<sup>rd</sup> defendant is in possession of the property. It is also to be mentioned that the plaintiff, 1<sup>st</sup> defendant and 3<sup>rd</sup> defendant are brothers. The 2<sup>nd</sup> defendant is a stranger. He came to be involved in the transactions since he purchased property from the 1<sup>st</sup> defendant. Later he sold the property back to the 1<sup>st</sup> defendant.

6.The suit has been filed to set aside the two Sale Deeds. The plaintiff had also impleaded the Sub-Registrar, Kudiyaatham, as a 4<sup>th</sup> defendant in the suit. Now since there is an apprehension that the 1<sup>st</sup> defendant would disconnect the electricity connection to the suit property, the application in I.A.No.336 of 2019 came to be filed to implead the Junior Engineer, (O&M) TNEB, Gudiyattam, Vellore District, as a 5<sup>th</sup> Defendant in the suit probably, in the hope that since if he is made a party to the suit, he would not do either give fresh connection or disconnect electricity connection to the suit property. He would also not encourage any application being filed either to disconnect electricity connection or give additional or fresh electricity connection to the suit property.

7.However, it must be pointed out that the said application has

been filed only on the apprehension that the 1<sup>st</sup> defendant had taken steps to disconnect the electricity connection. The learned Judge also pointed out that no documents have been filed to show that the 1<sup>st</sup> defendant was actually making arrangements to disconnect the electricity connection. Therefore, the learned Judge was of the view that since no specific relief was sought as against the proposed defendant, he is neither a necessary party nor a proper party to the suit.

8.Mr.C.Harish, learned counsel for the petitioner also relied on Order I Rule 5 of the Code of Civil Procedure, 1908 and pointed out that any person interested may also be joined as defendant. But that would not mean that somebody who is not interested directly or otherwise with the effect of a decree in a suit be impleaded.

9.Here the proposed party namely, the Junior Engineer, (O&M) TNEB, Gudiyattam, Vellore District, may not be directly or otherwise interested in knowing what happened to the title of the property. He is only a service provider of electricity connection. The plaintiff may well be protected, if he issues a letter to the said proposed party that a suit of this nature is pending and that if any applications are filed seeking disconnection of electricity or to give fresh electricity

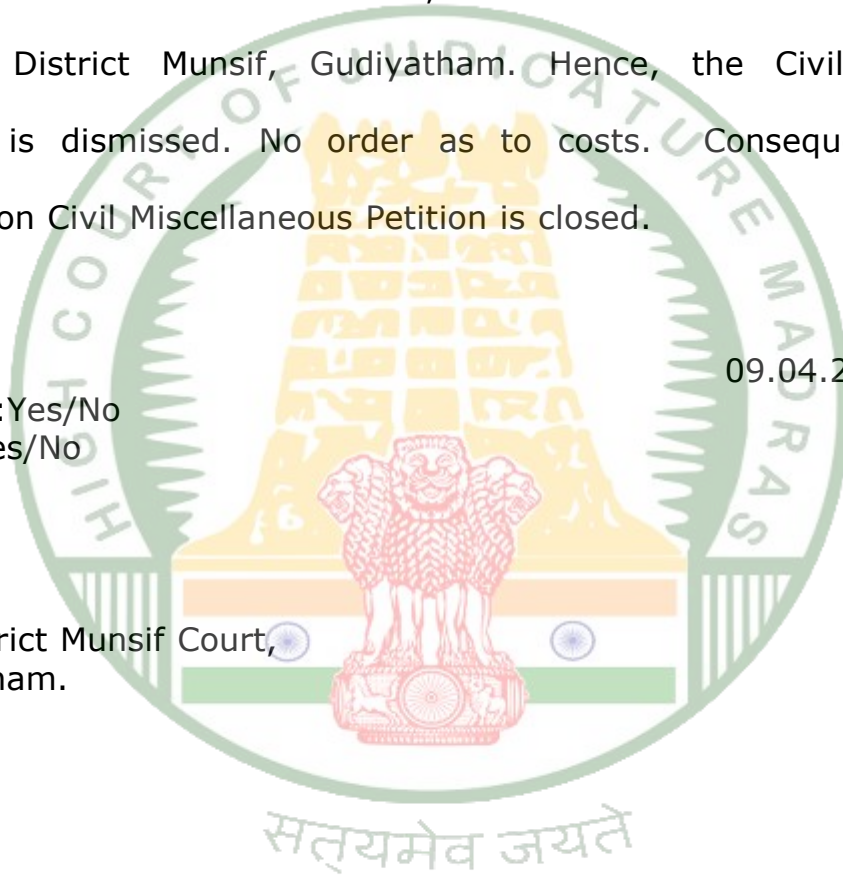
connection it would be in the interest of the said Junior Engineer that he gets necessary clarification from the Court before proceeding further. To that extent the interest of the petitioner will be protected.

10. With these observations, I concur with the order of the learned District Munsif, Gudiyatham. Hence, the Civil Revision Petition is dismissed. No order as to costs. Consequently, the connection Civil Miscellaneous Petition is closed.

09.04.2021

Internet: Yes/No  
Index: Yes/No  
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To  
The District Munsif Court,  
Gudiyatham.



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**C.V.KARTHIKEYAN,J.**

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