

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.94 of 2018
and C.M.P.No.492 of 2018

S.Ravi

... Petitioner

Vs

1.N.Pandiammal

2.The Manager,
DENA Bank,
Broadway Branch,
Prakasam Salai, Chennai.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreeal Order dated 06.11.2017 made in I.A.No.12095 of 2017 in O.S.No.17 of 2010 on the file of VI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.J.Nandagopal

For Respondents : Mr.S.B.Viswanathan for R2
R1 Not Ready in Notice

ORDER

This Civil Revision Petition is filed against the Fair and Decretal Order dated 06.11.2017 made in I.A.No.12095 of 2017 in O.S.No.17 of 2010 on the file of VI Assistant Judge, City Civil Court, Chennai, thereby dismissing the petition to implead the prayer for declaration.

2. The petitioner is the plaintiff and the respondents are the defendants in the said suit. The petitioner filed the said suit for permanent injunction restraining the first defendant / first respondent from alienating / transferring the suit property in favour of anybody till the entire mortgage loan is discharged.

3. On receipt of summons the second defendant appeared before the

Court below and filed a written statement by specifically stating that the mortgage has already been discharged by the second defendant in favour of the first defendant by release of her title deeds on 12.12.2009 even prior to institution of the said suit. That apart, the second defendant subsequently filed a suit against the petitioner herein for recovery of Rs.5,36,904/- in O.S.No.3755 of 2010 on the file of VI Additional Judge, City Civil Court, Chennai.

4. Even thereafter, the petitioner failed to include the prayer of declaration. Only after the period of seven years, the present application has been filed to include the prayer for declaration. That apart, already the second respondent herein filed a suit and it is pending on the file of VI Additional Judge, City Civil Court, Chennai in O.S.No.3755 of 2010. Therefore, the Trial Court rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed.

Consequently, the connected miscellaneous petition is closed. No order as

to costs.

07.07.2021

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
rna

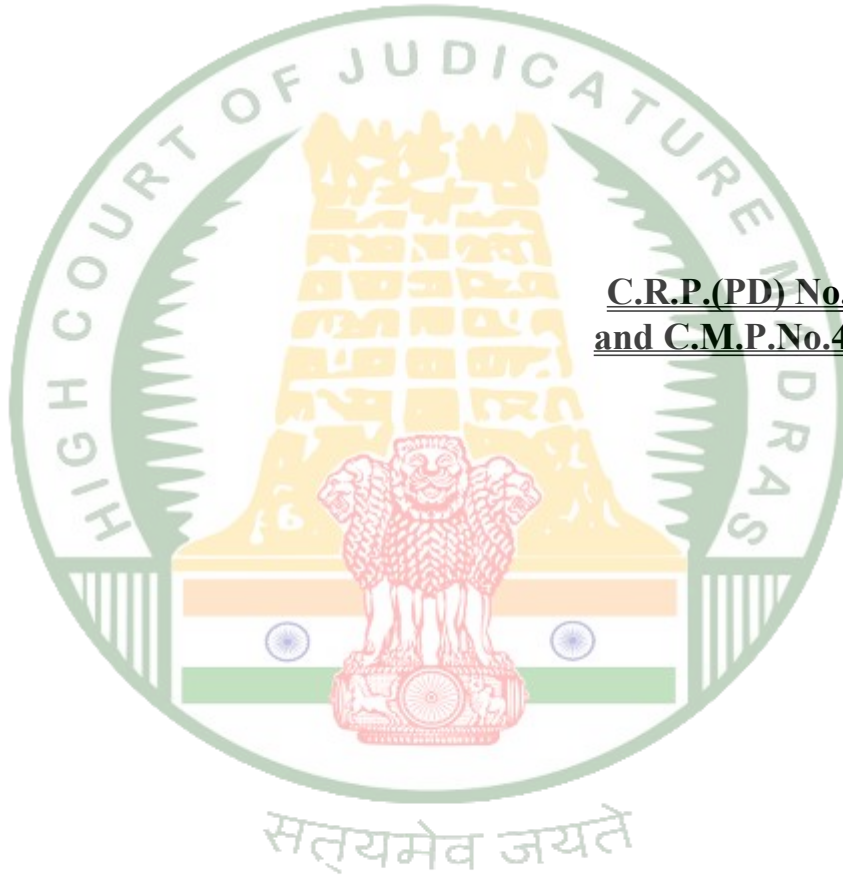
To

The VI Assistant City Civil Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.



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