

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.3974 of 2018
and C.M.P.No.22045 of 2018

Selvaraj

... Petitioner

Vs

1.Sankar
2.Vasantha
3.Manikandan
4.Sathish Kumar

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal Order dated 07.07.2018 in I.A.No.165 of 2015 in O.S.No.67 of 2006 on the file of the District Munsif Court, Thiruthuraipundi.

For Petitioner : Mr.S.Ravichandran

For Respondents : Mr.S.Nagarajan

ORDER

This Civil Revision Petition is filed against the Fair and Decretal Order dated 07.07.2018 in I.A.No.165 of 2015 in O.S.No.67 of 2006 on the file of the District Munsif Court, Thiruthuraipundi, thereby dismissing the application to implead the fourth respondent herein as a party.

2. The petitioner herein is the plaintiff and the respondents 1 to 3 herein are the defendants in the said suit. The petitioner herein filed the said suit for bare injunction in respect of the suit property. The suit is of the year 2006. In the year 2015, the petitioner herein filed application to implead the fourth respondent herein as one of the defendant for the reason that the defendant purchase the property and constructed house. After construction of house he is residing there. Therefore, he is a necessary party of the suit.

3. Admittedly, the suit was filed for bare injunction as against the respondents 1 to 3 herein. While pending the suit, even according to the petitioner herein, the fourth respondent herein purchase the suit property and constructed house. Therefore, the petitioner herein ought to have

amend the plaint with appropriate prayer. Otherwise, the fourth respondent herein is not necessary party to the present suit.

4. Therefore, the Court below 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 dismissed. No order as to costs.

19.07.2021

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
rna

To

The District Munsif Court,
Thiruthuraipundi.

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G.K.ILANTHIRAIYAN. J,

rna



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