

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP (PD) No.3750 of 2018

and

CMP.No.20905 of 2018

Ponraj

“Then Indhia Deva Sanga Sthabanam”/

“South India Assemblies of God”

Represented by its Pastor Anthonyraj

VOC Nagar,

Kallakurichi Town & Taluk

Villupuram District.

... Petitioner

Vs.

1. John Elangovan

2. R.Suresh

3. Maadhu

4. Chinnapaiyan

5. Rasalraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order of the District Munsif Court at Sankarapuram, dated 05.06.2018 in I.A.No.540 of 2017 in O.S.No.9 of 2014.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.N.Suresh (for R1 & R2)

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.540 of 2017 in O.S.No.9 of 2014 dated 05.06.2018 on the file of the learned District Munsif, Sankarapuram, thereby dismissing the petition to implead the proposed defendants.

2. The petitioner is the plaintiff and the respondents 1 and 2 are the defendants in the suit filed by the petitioner for declaration and injunction in respect of the suit property. While pending the suit, the first respondent herein sold out some of the suit property in favour of the proposed defendants. Therefore, the petitioner filed a petition to implead them as defendants in the suit. Originally, the suit was filed by the plaintiff viz., the “Then Indhia Deva Sanga Sthabanam”/“South India Assemblies of God” represented by its Pastor Ponraj. Subsequently, one Anthonyraj was appointed as Paster of “Then Indhia Deva Sanga Sthabanam”/“South India Assemblies of God”. On receipt of a transfer letter, he filed a petition to implead the proposed defendants. The Court below though observed that the subsequent purchasers are necessary parties to the suit, it held that the petitioner Anthonyraj is not representing the plaintiff and dismissed the

petition. Further, it is stated that when the said Anthonyraj is not substituted in the place of Ponraj, he cannot represented the plaintiff.

3. However, the learned counsel for the petitioner submitted that he may be permitted to file an appropriate petition to substitute the said Ponraj to represent the plaintiff and thereafter, the present petition may be considered for passing orders on merits.

4. Considering the above submission, this Civil Revision Petition is allowed and the order passed in I.A.No.540 of 2017 in O.S.No.9 of 2014 dated 05.06.2018 is set aside. The matter is remanded back to the Court below for fresh consideration. The petitioner is at liberty to file appropriate petition to substitute himself to represent the plaintiff and thereafter, the present petition may be considered and pass orders on merits and in accordance with law, after giving opportunity to the respondents. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

Kv

To

1. The District Munsif, Sankarapuram.
2. The Section Officer,
V.R. Section, High Court of Madras.



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