



C.R.P.No.2160 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2160 of 2019

K.Subramaniam

.. Petitioner

Vs.

1.M/s.M.G.Enterprises,
Registered partnership Firm,
Represented by its Partner,
Abhay Dhoka,
having their office at
Old No.12, New No.14,
Lakshmi Narasimhan Street,
T.Nagar,
Chennai – 600 017.

2.Mittalal Dhoka

3.Rikhabchand Dhoka

4.Mahavirchand Dhoka

5.Gouthamchand Dhoka

6.T.R.Pachamuthu

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.14715 of 2016 in O.S.No.12057 of 2010 dated 14.09.2018 on the file of the V Additional Judge, City Civil Court at Chennai.



C.R.P.No.2160 of 2019

For Petitioner : Mr.A.Abdul Rahman

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ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order passed in I.A.No.14715 of 2016 in O.S.No.12057 of 2010 dated 14.09.2018 on the file of the V Additional Judge, City Civil Court at Chennai, thereby dismissing the petition to implead the respondents 2 to 6 as defendants 2 to 6 in the said suit.

2. The first respondent herein filed a suit for recovery of money as against the petitioner herein on the strength of the pro-note.

3. The learned counsel for the petitioner would submit that the petitioner never borrowed any amount and during the execution of agreement for sale, the said pro-note was obtained from the petitioner. Therefore, no amount was borrowed separately from the first respondent herein and as such the parties to the sale agreement are necessary parties to the present suit.

4. It is seen from the records, though, the respondents 2 to 6 are the parties to the agreement for sale, there is no material to connect them with the present suit pro-note.



C.R.P.No.2160 of 2019

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5. Therefore, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below. However, it is open to the petitioner to examine them as his witness, if so advised.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.

13.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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C.R.P.No.2160 of 2019

G.K.ILANTHIRAIYAN,J.

mn

To

The V Additional Judge,
City Civil Court,
Chennai.

C.R.P.No.2160 of 2019

13.12.2022