



C.R.P(PD) No.1113 of 2022 and

C.M.P.No.5739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.07.2022

CORAM

THE HONOURABLE MS. JUSTICE **R.N.MANJULA**

C.R.P (PD).No.1113 of 2022 and
C.M.P.No.5739 of 2022

M.Mohammed Shaffir

... Petitioner

Vs.

1.Vasanthi

Kamalammal (died)

2.K.J.Ramesh

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order passed in I.A.No.4 of 2022 in I.A.No.1 of 2021 in O.S.No.277 of 2019, on the file of the learned Additional District Judge, Krishnagiri dated 10.03.2022 and allow this civil revision petition.

For Petitioner : Mr.R.Raman Laal

For Respondents : No appearance for R1

P.Veena Suresh for R2

ORDER

This Civil Revision Petition has been filed to set aside the order and decretal order passed in I.A.No.4 of 2022 in I.A.No.1 of 2021 in O.S.No.277 of 2019, on the file of the learned Additional District Judge, Krishnagiri dated



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10.03.2022.

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2. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on record.

3. The revision petitioner is the defendant in the suit. The respondents / plaintiffs filed a pauper suit for recovery of money. When the suit was pending, the third party filed a petition in I.A.No.1 of 2021, to implead himself as a party to the proceedings. In the said petition, the revision petitioner did not file any counter and consequently I.A.No.1 of 2021 was allowed. Thereafter, a petition in I.A.No.4 of 2022, was filed by the petitioner / defendant to set aside the exparte order made in I.A.No.1 of 2021 and the said petition was also dismissed. Aggrieved over that, the revision petitioner has preferred this Civil Revision Petition.

4. The learned counsel for the petitioner submitted that the petitioner had filed a counter in some other I.A., instead of filing it for this petition and that led to the exparte order in I.A.No.1 of 2021.

5. If the third party has filed a petition to implead himself as a party to the proceedings, it is upto the parties to agitate the relevancy of the presence of the newly added parties for the proceedings of the case, during the arguments of



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the case. By allowing the third party to get himself impleaded as a party, would not prejudice the interest of the petitioner/defendant. Instead of challenging the order passed in a party impleading petition, it would have been better if the parties cooperate with the Court for the progress of the main case and to see the case disposed at the earliest. Hence, I find no reasons for interference in the order passed by the learned Trial Judge, since the learned Trial Judge has rightly dealt the issue.

6. Accordingly, this Civil Revision Petition stands dismissed and the order passed by the Additional District Judge, Krishnagiri in I.A.No.4 of 2022 in I.A.No.1 of 2021 in O.S.No.277 of 2019, dated 10.03.2022, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2022

Index : Yes/No

Speaking or Non-speaking order

gsk

R.N.MANJULA, J.

gsk

To

3/4



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The Additional District Judge, Krishnagiri.

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