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C.R.P.(PD)Nos.2324 to 2327 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

C.R.P.(PD)Nos.2324 to 2327 of 2016
and C.M.P.No.12019 of 2016

Soundararajan

... Petitioner in all CRPs

Vs.

1.Shobana Natesan Sambath
Rep. by her Power of Attorney Agent
N.Sambath
Residing at No.211, Chetty St
Puducherry

... Respondent in CRP.2324/2016

1.Heera @ Himsudha
Rep. by her Power of Attorney Agent
N.Sambath
Residing at No.211, Chetty St
Puducherry

... Respondent in CRP.2325/2016

1.Aneetha
Rep. by her Power of Attorney
S.Padmini
Residing at No.211, Chetty St
Puducherry

... Respondent in CRP.2326/2016



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1.S.Daranya

Represented by her Power of Attorney Agent

N.Sambath

Residing at No.211, Chetty St

Puducherry

... Respondent in CRP.2327/2016

2.Mohammed Hussyan Share Ali

3.Ayyappa

Working as Manager

St. James Court, ECR

Chinna Kalapet

Puducherry – 14

... 2 & 3 Respondents in all CRP

COMMON PRAYER: The Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 18.04.2016 made in I.A.Nos.2006, 2007, 2008 and 2009 of 2015 in O.S.No.1441 of 2014 on the file of the Principal District Munsif Court, Pondicherry

For Petitioner : Mr.R.Agilesh in all CRPs.

For R1 : Mr.T.C.Gopalakrishnan in all CRPs

COMMON ORDER

The issue involved in all these Civil Revision Petitions is common and hence they are taken up together and disposed of through this common order.



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2. The subject matter of challenge in all these Civil Revision Petitions is the order passed by the Court below in the applications filed under Order III Rule 1 and 2 C.P.C., to permit the proposed parties to be represented through Power Agent and to conduct/prosecute the case on their behalf.

3. The petitioner in all these Civil Revision Petitions is the plaintiff and he filed the Suit before the Court below in O.S.No.1441 of 2014, seeking for the relief of declaration of title and permanent injunction. The petitioner had impleaded only two defendants in the Suit.

4. The proposed parties filed applications before the Court below to permit them to be represented through the Power Agent and to implead them as defendants in the Suit. This applications were contested by the petitioner on the ground that the proposed parties had nothing to do with the Suit property and they are neither necessary nor proper parties. Accordingly, the petitioner sought for dismissal of the applications.

5. The Court, below on considering the rival contentions, allowed the



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applications filed under Order III Rule 1 and 2 C.P.C., and permitted the proposed parties to be represented through the Power Agent. The Court below also made it clear that insofar as the right of the proposed parties to be added as defendants in the Suit is concerned, the same will be decided separately after considering as to whether they are necessary or proper party in the Suit. Aggrieved by this order, the plaintiff has filed these Civil Revision Petitions.

6. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

7. The petitioner has contested the applications mainly on the ground that the proposed parties have absolutely no right or title over the Suit property and they are neither necessary nor proper party in the Suit. This objection raised by the petitioner has not been dealt with by the Court below and the Court below has merely permitted the proposed parties to be represented through the Power Agent. The Court below has also made it clear that the objection made by the petitioner with regard to impleading the



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proposed parties, will be considered independently in the impleading petitions filed by the proposed parties.

8. In the considered view of this Court, there is no illegality or infirmity in the order passed by the Court below. The Court below has not taken any decision in the impleading petitions and the objection raised by the petitioner to the effect that the proposed parties are neither necessary nor proper parties, will be decided by the Court below while dealing with the implead petitions. To that effect, the objection raised by this petitioner is still to be considered and the petitioner has not lost that right by virtue of the order passed by the Court below.

9. In the light of the above discussions, this Court does not find any ground to interfere with the fair and decreetal order passed by the Court below in I.A.Nos.2006, 2007, 2008 and 2009 of 2015 in O.S.No.1441 of 2014 and as a result, all these Civil Revision Petitions stand dismissed. Consequently, the connected Civil Miscellaneous Petition is also dismissed.

10. It is brought to the notice of this Court that the pleadings are



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complete. In view of the same, the Court below is directed to dispose of the Suit in O.S.No.1441 of 2014 within a period of six (6) months from the date of receipt of a copy of this order. The Court below shall file a compliance report after completion of the proceedings before this Court.

12.12.2022

rpl

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

To

The Principal District Munsif Court
Pondicherry

N.ANAND VENKATESH, J.

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