

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

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

C.R.P.(PD) Nos.2784 & 2785 of 2018
and CMP No. 16320 of 2018

K.Balamurugan ... Petitioner in both CRPs

Vs

1. B.Jayachandran

2. M/s.Aditya Birla Fashion and Retail Ltd.,
Represented by its authorised Secretary
Vivek.
No.2/120, Santhya House,
Aishwarya Mangala,
Puttur, Dakshin Kanada,
Karnataka State.

3. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
having its office at
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

... Respondents in both CRPs

Prayer:- Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 12.04.2018 made in I.A.Nos.1111 & 1112 of 2017 in O.S.No.289 of 2017 on the file of the Principal District Munsif, Poonamallee.

For Petitioner (in both CRPs) : Mr.Ravikumar Paul,
Senior Counsel
for M/s.Paul and Paul

For R1 (in both CRPs) : No appearance

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decreetal order dated 12.04.2018 made in I.A.Nos.1111 & 1112 of 2017 in O.S.No.289 of 2017 on the file of the Principal District Munsif, Poonamallee, thereby dismissing the petition seeking amendment of plaint and to implead the third respondent as proposed defendant in the suit.

2. The revision petitioner is the plaintiff and the respondents 1 and 2 are the defendants in the suit filed by the petitioner for bare injunction. Though, initially an interim injunction was granted in favour of the petitioner, subsequently the order of injunction was vacated. Thereafter, the first respondent gifted the suit property in favour of the Chennai Metropolitan Development Authority, Chennai. As if it belongs to the first respondent herein, he laid out a larger extent of the property. In fact, the first respondent also filed a Writ Petition in W.P.No.26204 of 2017 as if the petitioner, after obtaining interim injunction, he trespassed into the suit property and put up construction and as such prayed to remove the

construction put up by the petitioner herein. Therefore, the petitioner filed a petition for seeking amendment of the plaint to include the prayer for declaration and recovery of possession in respect of the suit property.

3. That apart, admittedly, the first respondent gifted the suit property in favour of the third proposed defendant and as such the third respondent herein is the proper and necessary party to decide the suit. Without considering the facts, the Court below mechanically dismissed the petition.

4. In view of the above, the order dated 12.04.2018 made in I.A.Nos.1111 & 1112 of 2017 in O.S.No.289 of 2017 on the file of the Principal District Munsif, Poonamallee, is hereby set aside and these Civil Revision Petitions are allowed. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

06.07.2021

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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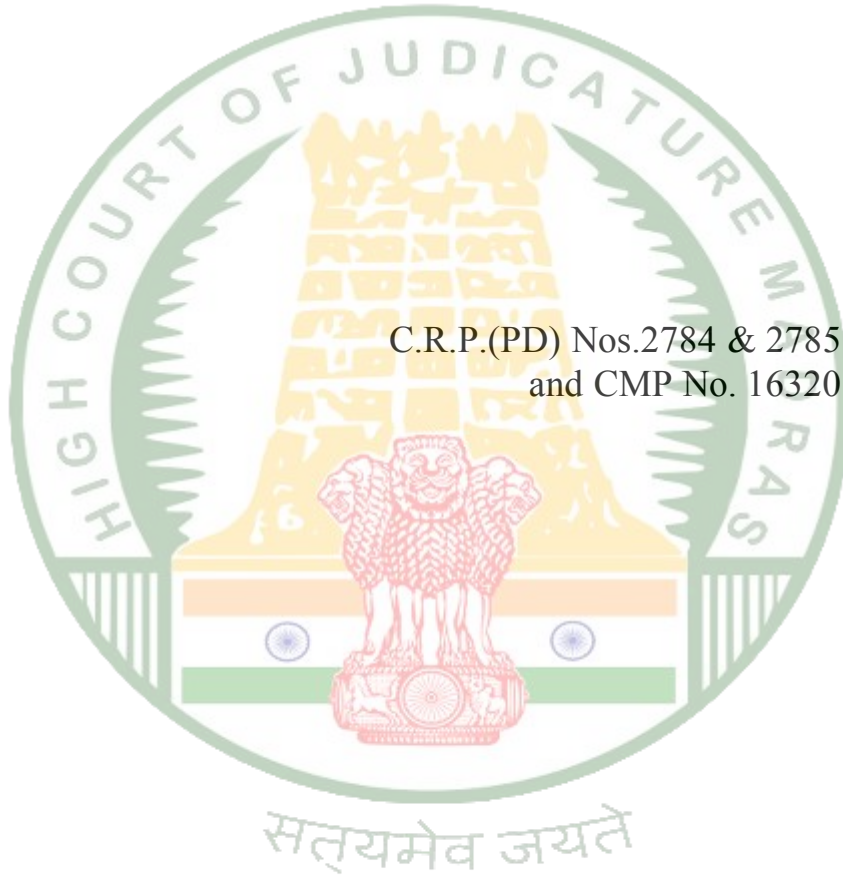
C.R.P.(PD)Nos.2784 & 2785 of 2018

G.K.ILANTHIRAIYAN, J.

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To

The Principal District Munsif,
Poonamallee.



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and CMP No. 16320 of 2018

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