



C.R.P.(PD)No.2135 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD)No.2135 of 2022

and

C.M.P.No.11034 of 2022

P.Sathiskumar

... Petitioner

..Vs.

1.P.Marimuthu

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Tiruppur.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
R.V.Nagar, Kangeyam Road,
Tiruppur.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Nallur Distribution,
Nallur, Tiruppur.

...

Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated

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02.03.2022 made in I.A.No.162 of 2021 in O.S.No.371 of 2017 on the file of the Principal District Munsif Court, Tiruppur by allowing this Civil Revision Petition.

For Petitioner : Mr. Deepan Uday

ORDER

This Civil Revision Petition has been preferred challenging the order dated 02.03.2022 made in I.A.No.162 of 2021 in O.S.No.371 of 2017 by the learned Principal District Munsif, Tiruppur.

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

3. The revision petitioner is the plaintiff, who filed a suit in O.S.No.371 of 2017 against respondents 2 to 4/defendants for the relief of permanent injunction. During the pendency of the suit a third party who is the first respondent herein filed a petition in I.A.No.162 of 2021 to implead himself as a party to the proceedings and the said petition was allowed. Aggrieved over the same, the plaintiff has preferred the present revision petition.



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4. The learned counsel for the revision petitioner/plaintiff submitted that the proposed party is in no way connected with the case and his presence is not required to decide the dispute effectively. In fact the proposed party is in collusion with the authorities, who have already arrayed as respondents 2 to 4/defendants 1 to 3 and had chosen to file this petition just to cause further delay in the proceedings. The ground on which the proposed party was allowed to be added as a party is to avoid multiplicity of the proceedings. The proposed party has stated that he is the neighbour to the plaintiff and establishing the electric post in the vicinity would affect his interest as well and hence he should also be added as a party to the proceedings.

5. The contention of the learned counsel for revision petitioner is that the proposed party is in collusion with defendants 1 to 3. In that case the presence of the proposed party will also save the interest of the revision petitioner. At a later point of time, if any decree is passed and it affects the interest of the proposed party, he might go and file another suit.

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6. In order to avoid multiplication of suits, it is better to allow the proposed party also a party to the proceedings. After all the proposed party got himself impleaded on his own petition, despite it is submitted by the revision petitioner that he is in collusion with the defendants. At any cost the interest of the revision petitioner can also be saved by impleading the first respondent as a party. I feel no ground for interference in the findings of the learned trial judge.

7. In the result, this Civil Revision Petition is dismissed and the order dated 02.03.2022 passed in I.A.No.162 of 2021 in O.S.No.371 of 2017 by the learned Principal District Munsif, Tiruppur is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes No
Speaking Order:Yes/No
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To

The Principal District Munsif,
Tiruppur.

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R.N.MANJULA, J.

ms

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C.M.P.No.11034 of 2022**

14.07.2022