



CRP.No.3336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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and

CMP.No.17707 of 2022

V.Vishnuram

... Petitioner

Vs.

1.M.S.Srinath
2.D.Krishnan
3.Krishnaa Krishnan
4.Kavya Krishnan
5.Dr.Srivatsan Raman
Assistant Professor
Department of Bio Chemistry
University of Wisconsin
No.433, Babcock, Dr.Madisson
Wisconsin, WI 53706
United States of America

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the proceedings dated 10.08.2022 made in I.A.No.3 of 2021 in O.S.No.958 of 2020 pending on the file of the learned XIX Assistant City Civil Court, Chennai.



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For Petitioner : Mr.B.Jagannath

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ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below dismissing the petition filed by the revision petitioner seeking to delete his name from the array of the parties.

2. The first respondent herein filed a suit for recovery of money against the petitioner and respondents 2 to 5. According to the first respondent, the petitioner herein approached him, by introducing himself as relative of the fifth respondent and received a sum of Rs.50,000/- on 22.04.2017. It was also further averred that the petitioner herein had also given a letter in writing to the effect that he was authorized agent of the other respondents.

3. The petitioner herein filed I.A.No.3 of 2021 with a prayer to delete his name from the array of the parties. In the affidavit filed in support of the petition to delete his name from the array of the parties, the petitioner had averred that he had no transaction with the first respondent/plaintiff and



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hence, the suit filed by the first respondent is a vexatious suit.

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4. The Court below, by impugned order, dismissed the petition filed by the revision petitioner and aggrieved by the same, the petitioner is before this Court.

5. The reading of the plaint would suggest that there is a specific averment as against the petitioner herein above the receipt of the money by him from the first respondent/plaintiff. Though the petitioner denied the alleged transaction with the first respondent/plaintiff, it is a disputed question of fact which cannot be conveniently decided by the Court in an application filed for deletion of his name. The issue raised by the petitioner has to be considered only in a full fledged trial. Therefore, I do not find any illegality or irregularity in the order passed by the Court below.



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S.SOUNTHAR, J.
dna

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
dna

To

The XIX Assistant City Civil Court, Allikulam, Chennai.

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