



CMP.No.13940 of 2022

C.M.P.No.13940 to 13942 of 2022 in
C.R.P.Sr.Nos.90934 to 90936 of 2022

WEB C **R.N.MANJULA, J.,**

These Civil Miscellaneous Petitions have been filed for seeking leave of the Court for the petitioners to file the Civil Revision Petitions challenging the order of the learned Principal District Judge, Thiruvallur dated 08.06.2022 made in I.A.No.1 of 2019 in O.S.Nos.16, 17 & 18 of 2019.

2. The petitioners are the defendants 3 & 4 in the suit filed by the respondents/plaintiffs in O.S.No.17 of 2019. The second defendant has filed a petition in I.A.No.1 of 2019 for rejecting the plaint under Order 7 Rule 11 (d) CPC and the same was dismissed. The defendants 3 & 4 have filed these revision petitions by stating that they also aggrieved by the order as the learned trial Judge has not chosen to show them as party to the proceedings.

3. It is seen from the cause title of I.A.No.1 of 2019 that the names of the defendants 3 & 4 does not figure neither as the petitioners nor as the respondents. If the learned trial Judge has thought it fit that they do not have any interest in the petition filed by the second defendant, the defendants 3 & 4 ought to have been impleaded atleast as respondents. The defendants 3 & 4 who



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are parties to the suit ought to have been given an opportunity to make their submissions in the petition filed to reject the plaint. It is reliably learnt from the learned counsel for the petitioners that the plaintiffs executed sale agreement with the second defendant and so far as the petition filed under Order 7 Rule 11 (d) CPC is concerned, the defendants 3 & 4 made their arguments in supportive of the prayer in the petition. Since the order of the learned trial Judge does not make any mention about the presence of the defendants 3 & 4 or their submissions and they are not even shown as parties to the proceedings in Order 7 Rule 11 (d) CPC, the petitioners have filed a petition seeking leave of the Court to file Civil Revision Petitions. Since the defendants 3 & 4 are not strangers and party to the proceedings and they have also made their arguments in support of the petition filed by the second defendant, they are entitled to challenge the order passed by the learned Principal District Judge, Thiruvallur dated 08.06.2022 made in I.A.No.1 of 2019 in O.S.Nos.16, 17 & 18 of 2019.

4. Hence, I feel in the interest of justice leave should be granted. Accordingly civil miscellaneous petitions are ordered. Registry is directed to number the petitions, if it is otherwise in order.

24.08.2022

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