



CRP.No.3513 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3513 of 2022

and

CMP.No.18697 of 2022

P.G.Murugan

... Petitioner

Vs.

1.S.Rani

2.Padma

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the fair and decretal order dated 20.09.2021 passed in I.A.No.66 of 2020 in O.S.No.30 of 2018 on the file of the Additional District Court, Tiruvannamalai.



CRP.No.3513 of 2022

For Petitioner : Mr.S.Sriram
for Mr.K.Govi Ganesan

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below dismissing the petition filed by the petitioner/defendant to implead the second respondent herein as a second defendant in the suit.

2. The first respondent herein filed a suit for recovery of money based on the hand loan transaction. According to the first respondent, the petitioner herein issued two cheques for discharge of the said loan amount and the cheque got dishonoured.

3. The petitioner herein filed his written statement wherein, he raised a plea that he had money transaction with the second respondent, who happens to be the sister of the first respondent. According to the petitioner, he paid the entire money borrowed from the



CRP.No.3513 of 2022

second respondent and the second respondent set up her brother and filed this vexatious suit.

4. The petitioner herein filed I.A.No.66 of 2020 for impleading the second respondent as a party in the suit mainly on the ground the petitioner had no money transaction with the first respondent/plaintiff and he had money transaction only with the second respondent.

5. It is settled law in a suit, the plaintiff is the *dominus litis*. It is for him to decide and it is not for the defendant to compel the plaintiff to fight against a person with whom he does not claim any relief. As far as the defence raised by the petitioner is concerned, it is always open to him to raise oral and documentary evidence to prove alleged money transaction with the second defendant and his further allegation that the second defendant set up the first defendant and filed



CRP.No.3513 of 2022

a suit for recovery of money. Therefore, the presence of the second defendant is not at all necessary to decide the suit. I do not find any error in the order passed by the Court below.



WEB COPY



CRP.No.3513 of 2022

S.SOUNTCHAR, J.

dna

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

07.11.2022

Index : Yes / No
Internet : Yes / No
dna

To

The Additional District Court, Tiruvannamalai.

CRP.No.3513 of 2022

and

CMP.No.18697 of 2022



WEB COPY



CRP.No.3513 of 2022