



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.616 of 2022

and

C.M.P.No.3187 of 2022

1. P.Gajendran

2. M.K.Udayakumar

... Petitioners

Vs.

1. N.M.Sivagnam

2. M.Kulandaivelu

3. M.Balasubramani

4. Makkathai Family Vagaiyara Trust
Rep. by its Secretary – Mahalingam,
North Mada Street, Nellorepet,
Gudiyattam Town.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and Decree made in I.A.No.2 of 2021 in O.S.No.122 of 2016 on the file of the District Munsif, Gudiyattam, Vellore District, dated 08.10.2021.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.K.A.Ravindran for R1 to R3.
Mr.D.Soundarraaj, for R4.



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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 implead the 4th respondent as a party defendant in the suit.

2. Originally, the Petitioner had filed the suit for bare injunction against the respondents 1 to 3. Subsequently, he filed an implead petition, seeking to implead fourth respondent also as a party. In the affidavit filed in support of the impleading petition, it was also stated that the petitioners came to know about the involvement of the fourth respondent on 04.11.2004. Therefore, the petitioner wanted to implead the fourth respondent Trust as a party defendant in the suit.

3. The suit is for bare injunction.

4. Even in the affidavit filed in support of the petition seeking to implead, there is no averment by the petitioner that the fourth respondent Trust is attempting to interfere with the alleged possession of the petitioners. In the



absence of any cause of action against the fourth respondent and also considering the nature of the remedy sought for in the suit, I do not think that the presence of fourth respondent is necessary. A reading of the order passed by Court below reveals that the petition was dismissed by the Court below on the ground that in the plaint, absolutely there is no mention about the fourth respondent and there is no cause of action against the fourth respondent.

5. I do not find any illegality in the order passed by the trial Court.

6. The learned counsel for the respondent submitted that already the evidence of PW.1 & 2 were recorded and therefore, time limit may be fixed for disposal of suit.

7. In view of the fact that the trial in the matter has already commenced, this Court is inclined to issue a direction to dispose of the suit within a period of four months from the date of receipt of a copy of this order.



S.SOUNTHAR, J.

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8. In view of the above, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index : Yes / No

Internet : Yes / No

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To

The District Munsif, Gudiyattam, Vellore District.

C.R.P.No.616 of 2022