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*C.R.P. (PD) .Nos.2906 and 2907 of 2021*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**C.R.P.(PD).Nos.2906 and 2907 of 2021**

**and**

**C.M.P.No.20908 of 2021**

Shree Ramar Koil (b) Shree Kothandaraman Koil Trust,  
rep. by its Trustee & President  
R.Balasubramanina, son of Ramakrishnama Naidu  
Pakkupettai Village, Polivakkam Madura,  
Thiruvallur Taluk and District.

.. Petitioner in both the CRPs.

Vs.

- 1.S.Sathish Kumar
- 2.The Assistant Engineer, Operation & Maintenance,  
TNEB, Manavalan Nagar, Thiruvallur
- 3.The Executive Engineer, TNEV, Thiruvallur
- 4.The Chairman, TNEB, Chennai – 600 002.

.. Respondent in both the CRPs

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**PRAYER in both the CRPs:** Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 29.09.2021 in I.A.No.4 of 2019 in O.S.No.94 of 2019 and I.A.No.5 of 2019 in I.A.No.2 of 2019 in O.S.No.94 of 2019 respectively on the file of the learned Additional District Munsif Court, Thiruvallur.

For Petitioner : Mr.R.Selvakumar in both the CRPs

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### **COMMON ORDER**

Challenge in these Revisions is to the common order of the trial Court impleading the 1<sup>st</sup> respondent as a proper party to the suit in O.S.No.94 of 2019 and in the application for injunction in I.A.No.2 of 2019.

2. The suit in O.S.No.94 of 2019 has been filed by the petitioner herein seeking a permanent injunction restraining the defendants therein/ respondents 2 to 4 herein from disconnecting or interfering with the electricity connection that has been provided to the suit schedule property.



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**3.** The 1<sup>st</sup> respondent sought for impleading in the said suit contending that he is actually the hereditary Trustee of the temple in question and there is already a electricity service connection that is existing in the premises. According to the 1<sup>st</sup> respondent, the new connection has been obtained by suppression of facts. He would also contend that the action to disconnect the new connection was taken on the complaint filed by him with the Electricity Board. Therefore, according to the 1<sup>st</sup> respondent, he is a necessary party to the suit.

**4.** The application for impleading was resisted by the plaintiff/petitioner herein contending that since the relief prayed for is only a permanent injunction restraining disconnection, the 1<sup>st</sup> respondent is not a necessary party to the suit.

**5.** The learned trial Judge concluded that since the very proceeding for disconnection was ignited by the complaint made by the 1<sup>st</sup> respondent, he would necessarily be a proper party to the suit, as no order could be passed in the suit without there being a prejudice to him. The learned trial Judge



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also concluded that the presence of the 1<sup>st</sup> respondent would enable the Court to effectively and completely adjudicate the matter in issue. On the above conclusion, the learned District Munsif allowed the application for impleading.

6. Mr.R.Selvakumar, learned counsel appearing for the petitioner would vehemently contend that considering the scope of the prayer and the allegations made by the 1<sup>st</sup> respondent in the affidavit filed in support of the application for impleading, his impleading would in effect enlarge the scope of the suit and would lead the Court to adjudicate upon the title to the property.

7. I do not think that the apprehension of the counsel is justified. The learned District Munsif had made it very clear that the impleading is done only for the purpose of effective adjudication of the issue in the suit and the 1<sup>st</sup> respondent would be a proper party though not a necessary party to the suit.



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8. I therefore do not see any reason to interfere with the order of the trial Court. The Revisions therefore fail and are accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

**03.01.2022**

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Index : No

Internet :Yes

Speaking order

To

The Additional District Munsif, Thiruvallur.

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**R.SUBRAMANIAN, J.**

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