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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE T.V.THAMILSELVI

CRP.Nos.3310 and 3311 of 2017
and CMP Nos.15469 & 15470 of 2017

Chandran

.. Petitioner / 1st respondent /
1st defendants
in both Crps

..Vs..

1. Kumaresan

2. Naveneethammal

3. Kanniammal

4. Kumar

5. Parvathy

6. Kanniammal

..Respondents/Respondents/
Proposed defendants 2 to 4
in both Crps

Prayer in CRP No.3310 of 2017:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and Decreeal order dated 30.10.2015 passed in I.A.No.185 of 2015 in O.S.No.286 of 2005 on the file of District Munsif, Chengalpattu.

Prayer in CRP No.3311 of 2017:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order and Decreeal order dated 30.10.2015 passed in I.A.No.186 of 2015 in O.S.No.286 of 2005 on the



file of District Munsif, Chengalpattu.

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For Petitioner : Mr.S.Natana Rajan
both CRPs
For Respondents : Mr.R.Bharath Kumar
for R1
R2 to R6 – dispensed with

ORDER

This Revision petitioner is the 1st defendant in the suit in O.S.No.285 of 2005 on the file of District Munsif, Chengalpattu. The said suit was filed by the plaintiff for the relief of permanent injunction against the 1st defendant /Chandran. The defendant filed a written statement stating that the suit property is belongs to him by way of purchase. After filing of the written statement, the plaintiff filed I.A.No.587 of 2010 to implead the vendors as a necessary party to the proceedings. The said application was dismissed on 20.09.2014 against which he preferred C.R.P.No.4065 of 2010 to amend the plaint and the same was dismissed by this Court on 29.10.2014 wherein this Court held that since the suit was filed for bare injunction , the vendors of the defendants are not necessary party in the suit for injunction and further, directed to file an application to amend the relief by way of seeing the relief of declaratory and liberty is granted to file a fresh application seeking for impleading the proposed parties along with such amendment application. Thereafter, the defendant filed IA No.185 and 186 of 2017 for impleading the vendors as well as to make necessary amendment in the plaint. On hearing both



sides, the Trial Court allowed the applications. Challenging the said order, these revision petitions were filed before this Court.

2. The learned counsel for the revision petitioner submitted that the Trial Court did not consider the fact that the respondent has not chosen to amend the vendors even after disclosing of the sale deed dated 29.06.2005. After filing of the written statement, the respondents took steps to implead the proposed parties and the same was allowed. The learned counsel further submitted that the Trial Court has not discussed the nature of the amendment claimed by the plaintiff as well as the interest to implead the proposed vendors and the order is not on merits and therefore, it is liable to be set aside. Furthermore, the revision petitioner filed impleading petition after nine years after the filing of the written statement which is not admissible in law, however, the Trial Court failed to take note of the same.

3. The learned counsel for the respondents submitted that as the vendors are the necessary party to the proceedings, they have been impleaded by the Trial Court and therefore, prays to dismiss this Criminal Revision Petition.

4. Heard the learned counsel appearing on both side and perused the materials placed before it.



5

13.10.2022

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Index : Yes / No

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6

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To

The District Munsif Madurantakam, Kanchipuram District

CRP.Nos.3310 and 3311 of 2017

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