



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 902 of 2020 and
CMP(MD).No.5904 of 2020

Ananthakrishnan

.. Petitioner / plaintiff

Vs.

1.Chinnadurai

2. Palanisamy

3.Kumar

4.Jegatheesh

(R2 to R4 / proposed respondents)

.. 2 to 4 respondents /

proposed defendants 2 to 4

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.09.2020 made in I.A.No.1 of 2019 in O.S.No.108 of 2018 on the file of the District Munsif Court, Palani.

For Petitioner	... Mr.S.C. Herlod Singh
For R1 & R2	... Mr. Gangai Amaran
For R4	... Mr. K.M. Karunakaran
For R3	... No Appearance

ORDER

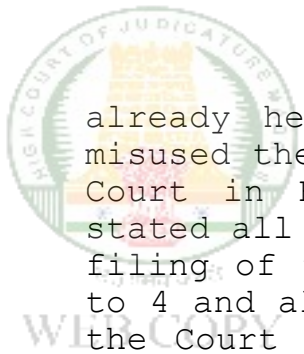
The revision petitioner / plaintiff filed this revision to set aside the order dated 23.09.2020 passed in I.A.No.1 of 2019 in O.S.No.108 of 2018 on the file of the District Munsif Court, Palani.

2. Heard the learned learned counsel appearing on either side and perused the material available on record.

3. The said I.A.No.1 of 2019 was filed by the petitioner / plaintiff under Order 1 Rule 10(2) CPC to implead the respondents 2 to 4 as defendants in the suit. Originally, the petitioner / plaintiff filed a suit for recovery of document from the defendant and the defendant also set ex parte in the suit. After filing the suit, the plaintiff received summon from the Bangalore Court as the defendants 2 to 4 filed a complaint under Section 138 of Negotiable Instruments Act against him.

4. The revision petitioner / plaintiff has stated that

<https://hcservices.ecourts.gov.in/hcservices/>



already he gave cheques to defendant and the defendants 2 to 4 misused the cheques and filed cases against the plaintiff before the Court in Bangalore. In plaint, the petitioner / plaintiff has stated all the cheque numbers stated in the complaint. Only after filing of the suit, he received legal notice from the defendants 2 to 4 and also Court summon in the year 2019. Only after full trial the Court can decide that whether really the cheque was issued to defendant and misused by the defendants 2 to 4. So the defendants 2 to 4 are necessary parties to decide the suit.

5. Hence, this Court is inclined to interfere with the order passed by the Court below and accordingly, this revision Petition is allowed and the order passed by the District Munsif Court, Palani in I.A.No.1 of 2019 in O.S.No.108 of 2018 is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The District Munsif, Palani.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9138[F] dated 01/03/2022)

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_RD(15.03.2022) 2P 3C