



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.1624 of 2021

and

C.M.P (MD)No.8802 of 2021

WEB COPY

C.Palanisamy

... Petitioner/ Proposed 14th Respondent

Vs.

1.P.Anguraj

... 1st Respondent/Plaintiff

2.Muthusamy

3.V.Chandran

4.Muniyasamy

5.Muthumadan

6.Rajendran

7.Vanaraj

8.Muthu

9.Arulmurugan Finance,
Through its proprietor,
Opposite of Angel School,
M.R.Nagar,
Rajapalayam Town,
Virudhunagar District.

10.Sri Murugan Finance,
Through its proprietor,
Opposite of Angel School,
M.R.Nagar,
Rajapalayam Town,
Virudhunagar District.

11.Muthaiah Thevar

12.Sri Vinayaga Finance,
Through its proprietor,
Maduraraja Kadai Street,
Rajapalayam Town,
Virudhunagar District.

13.Dasaradhan Sheit

14.Balu

...Respondents 1 to 14/
Defendants 1 to 13

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order
<https://hcservices.ecourts.gov.in/hcservices/>



dated 09.08.2021 passed in I.A.No. 124 of 2016 in I.P.No. 9 of 2014 on the file of Principal District and Sessions Court, Srivilliputhur.

For Petitioner : Mr.G.Venugopal
For Respondents : No Appearance

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ORDER

The Civil Revision Petition has been filed to set aside the fair and decreetal order dated 09.08.2021 passed in I.A.No.124 of 2016 in I.P.No. 9 of 2014 on the file of Principal District and Sessions Court, Srivilliputhur.

2. I.A.No.124 of 2016 was filed by the first respondent/plaintiff under Order 1, Rule 10(2) and Section 151 of CPC, to implead the proposed 14th respondent as set out in this petition. He filed I.P.No.9 of 2014 to declare him as insolvent person and also for appointment of receiver to take possession of 'B' schedule. As per petition, already a sum of Rs.10 lakhs was paid as advance to the 14th respondent. The revision petitioner also handed over the shop key to the 14th respondent. Even thereafter, he did not re-pay any advance amount. So, he is a necessary party to the I.P. Petition.

3.Admittedly, the advance amount a sum of Rs.10 lakhs was paid to the 14th respondent. The respondents 1 to 13 are the creditors. To settle the amount to the creditors, the Court has to decide whether Rs.10 lakhs amount is with the 14th respondent. The said issue can be decided only after trial, so the 14th respondent is a necessary party. Therefore, the trial Court has rightly dismissed the said petition and this Court does not find any valid reason to interfere with the same.

4.In view of the above, this Civil Revision Petition is dismissed and the order dated 09.08.2021 made in I.A.No. 124 of 2016 in I.P.No. 9 of 2014 passed by the learned Principal District and Sessions Judge, Srivilliputhur, is hereby confirmed. No cost. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd



To

The Principal District and Sessions Judge,
Srivilliputhur.

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+1 CC to M/s.M.P.SENTHIL, Advocate (SR-15582[F] dated 31/03/2022)
Order made in
C.R.P (MD) No.1624 of 2021
and
C.M.P (MD) No.8802 of 2021
30.03.2022

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GC (03.06.2022) 3P 3C