



C.R.P. No. 375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 375 of 2023
and
C.M.P. No. 3079 of 2023

D.Vaisali Vishalakshi Dayalan

... Petitioner

Vs

1. Kumarasamy Agro Farm,
rep. by is Managing Director

2. D.Dayalan,
3. D.Krishnapriya

Nataraj (Died)

4. Branch Manager,
Punjab National Bank,
New Scheme Road, Pollachi.

5. M/s.Asst. Reconstruction Company (India) Ltd.,
17th Floor, Express Towers,
Nariman Point, Mumbai.

6. M/s. ITCOT Consultant & Service Ltd.,
17th Floor, Express Towers,
Nariman Point, Mumbai.



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7. M/s. Mahaganapathi Consultant and Service,
19/15, Kumarappa Street,
Nungambakkam, Chennai.

8. N. Thagarajini,
9. N.Alzhahappan @ Raj
10. R.Radha

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 26.09.2022 made in I.A.No. 02 of 2019 in O.S.No. 133 of 2009 on the file of Subordinate Judge, Pollachi by allowing this Civil Revision Petition.

For Petitioner : Mr.V.Anandhamoorthy

ORDER

Challenging the impugned order passed in I.A.No. 02 of 2019 in O.S.No.133 of 2009 on the file of Subordinate Judge, Pollachi, impleading the proposed party as a necessary party to the proceedings as 11th defendant by filing an application under Order 1 Rule 10 of C.P.C., which was contested by the plaintiff and on hearing both sides, the trial court allowed the said application by impleading him as 11th defendant in the suit. Challenging the said order, the plaintiff preferred this Civil Revision Petition.

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2. According to the petitioner, the 11th defendant is not a necessary party to the proceedings. However, without considering the relief claimed in the suit, the trial court allowed the application. Hence, he prayed to set aside the said findings.

4. On perusal of records, it would reveals that the plaintiff filed a suit for partition as she is a daughter of 1st defendant and sister of 2nd defendant. The plaintiff added M/s.Punjab National Bank, M/s.Asst. Reconstruction Company (India) Ltd., M/s. ITCOT Consultant and Service Ltd., Mumbai and M/s. Mahagapathi Consultant and Service and others as necessary parties viz., defendants 2 to 11, however there is a mortgage loan executed by the 1st respondent company viz., M/s.Kumarasamy Agro Farm in respect of the suit property in favour of petitioner, but she failed to implead the 1st respondent as necessary party to the proceedings and the plaintiff not extended any reason for not including the 1st respondent as necessary party to the proceedings. Admittedly, the 1st respondent is a Managing Director of M/s.Kumarasamy Agro Farm. The learned counsel appearing for petitioner



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would submit that the said company has nothing to do with the relief claimed in the suit, admittedly, the 1st respondent being Managing Director of M/s.Kumarasamy Agro Farm, has deposited the title deeds in respect of the suit property in the loan obtained by the petitioner. So, the 1st respondent company is a necessary party. Therefore, the order passed by the trial judge is just and valid one, which needs no interference. Accordingly, as no adjudication is required in this petition, this Civil Revision Petition is dismissed as no merits. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

07.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To

Sub-Judge,
Pollachi.

T.V.THAMILSELVI, J.

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