



C.R.P.Nos.1202 and 1204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R. P. Nos.1202 and 1204 of 2023

and

C.M.P. No.8246 of 2023

1.G.K.Babu

2.B.Komalavathy

..Petitioners in both the CRPs

Vs.

1.M.Kumaresan

2.C.K.Kannan

3.T.Duraisamy

4.V.M.Kannappan

??5.B. Nagarathanamba

???6.Padam Kumar Tatia

7.Radhakrishnan

8.M/s. Tej Infrastrucutres Reprsentd by
Its Managing Partner B. Nagi Reddy
S/o. Vijaya Reddy,
Flat - B, No.34, 1^a Avenue,
Ashok Nagar, Chennai - 600 083.



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9.BLB Estates (P) Ltd.,
Represented by its Managing Partner,
B. Nagi Reddy, S/o. Vijaya Reddy,
Flat - B, No.34, 1st Avenue,
Ashok Nagar, Chennai - 600 083.

10.Jayabal

.. Respondents in both the CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the order dated 31.01.2023 passed in I.A. Nos.2 and 3 of 2022 in O.S No.57 of 2019 on the file of District Munsif cum Judicial Magistrate, Thirukazhukundram.

For Petitioners : Mr.C.Jagadish

COMMON ORDER

These Civil Revision Petitions are filed aggrieved by the orders passed in I.A.Nos.2 and 3 of 2022 in O.S.No.57 of 2019 dated 31.01.2023.

2. The petitioners are the plaintiffs, who have filed a suit against the respondents for perpetual injunction restraining the respondents/ defendants from interfering with the plaintiffs' possession and enjoyment of the suit property until payment of Rs.350/- per sq.ft for



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the total extent of the property is paid by the defendants. The petitioners have filed I.A.No.2 of 2022 to implead one Jayabal in I.A. No.301 of 2019 and I.A.No.3 of 2022 is filed to implead the said Jayabl in the suit in O.S.No.57 of 2019. After a full fledged enquiry, the said applications were dismissed. Aggrieved by the same, the petitioners have filed the above Revisions.

3. The petitioners have filed the suit in O.S.No.57 of 2019 stating that the cause of action arose to the petitioner during April 2013, when the defendants 1 to 3 approached the plaintiff to develop the property and on 05.08.2013 when the memorandum of understanding was executed between the parties and on 26.12.2013 when the defendants attempted to trespass into the property. Nowhere in the cause of action it is mentioned that the proposed party has made an attempt to encroach the schedule of property. The suit is based on the cause of action stated to have arose on various days as referred above. In case if either the proposed party or any other third party tries to obstruct alleged possession of the schedule of property, it will be a separate cause of



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action, where the petitioner is expected to file a separate suit against the proposed party. He cannot seek for impleadment of the party as one of the defendants in the suit for injunction.

5. Considering the above circumstances, there are no merits. Therefore, both the Civil Revision Petitions are liable to be dismissed at the admission stage and they are accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

13.06.2023

dsa
Index : Yes/ No
Internet : Yes/ No
Neutral Citation : Yes/ No
Speaking Order/ Non-Speaking Order

To

The District Munsif cum Judicial Magistrate,
Thirukazhukundram.



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Dr.D.NAGARJUN,J.

Dsa/mvs.

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