



C.R.P. No. 3085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3085 of 2023

and

C.M.P.No. 19096 of 2023

M. Balasubramaniam

.. Petitioner

Vs

1.V. Madhaiyan
2.Amuthavalli
3.Keerthana
4.Sangeetha
5.Saravanakumar

6.M/s. Sri Ram Transport Finance Co., Ltd.,
Omalur.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.01.2023 passed in I.A.No.1 of 2021 in O.S.No.98 of 2016 on the file of the District Munsif Court, Omalur.

For Petitioner : Mr. P. Jagadeesan
For Respondents : Mr. M. Elango, for R1 to R4
Ms. D. Sahithya, for R5
No Appearance for R6



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ORDER

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This Civil Revision Petition is filed challenging the impugned order passed in I.A. No. 1 of 2021 in O.S. No. 98 of 2016 on the file of the District Munsif Court, Omalur, the plaintiff preferred this revision.

2. Before the trial Court, the plaintiff filed an application in I.A. No. 1 of 2021 to implead M/s.Shriram Transport Finance Company Limited, Omalur as a sixth defendant in the suit. The reason assigned by him is that during the pendency of the proceeding, sale deed executed by R1 to R4 in favour of R5 and based on that purchase, R5 availed loan from the proposed sixth respondent / M/s.Shriram Transport Finance Company, as he unpaid the amount, arbitration proceeding was initiated and the property was attached. Therefore, he is necessary party to the proceeding since because against that property, he filed suit for specific performance. That application was opposed by the defendants.

3. On considering both submissions, the trial Judge dismissed the application holding that transaction between the fifth and proposed six



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respondent was happened, prior to the suit. So there is no necessity to implead the sixth respondent as party to the proceeding in respect of deciding the issue which is totally different from the money transaction between the parties. Hence, it was dismissed.

4. Challenging the same, this petition has been filed by the plaintiff.

5. The learned counsel for the respondent submits that the fifth respondent settled the loan thereby the attachment also raised.

6. Considering that now the proposed sixth respondent is not a necessary party to the Court proceeding since because the attachment was raised and the loan was settled. Therefore, the order passed in I.A. No. 1 of 2021 in O.S. No. 98 of 2016 on the file of the District Munsif Court, Omalur is confirmed.



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7. Accordingly, the Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs. The trial Court is directed to dispose the case as expeditiously as possible.

17.10.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The District Munsif Court, Omalur.



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T.V.THAMILSELVI, J.

AT

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