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C.R.P.No.3863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.3863 of 2022

A.Subramanian

..

Petitioner

VS

1. G.Ayyanar

2. M.K.Vedhambal

..

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the fair and decretal order dated 06.09.2022 in I.A.No.1 of 2021 in O.S.No.8211 of 2019 on the file of the XI Assistant City Civil Court, Chennai.

For Petitioners : Mr.S.P.Sudalaiyandi

For Respondents : Mr.V.G.Anbarasu
for respondent 1

Mr.R.Rajesh
for respondent 2

ORDER

The civil revision petition is filed against the fair and decretal order dated 06.09.2022 passed in I.A.No.1 of 2021 in O.S.No.8211 of 2019.

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2. The revision petitioner instituted a suit for recovery of possession in O.S.No.8211 of 2019. The first respondent, who is the defendant in the suit, filed an interlocutory application in I.A.No.1 of 2021 to implead the second respondent as defendant in the suit. The Trial Court adjudicated the issues and formed an opinion that the plaintiff claims title over the property against the second respondent.

3. Learned counsel appearing on behalf of the second respondent made a submission that he is having title over the property and is possessing a sale deed in his favour. There is a litigation pending against the property before the Hon'ble Supreme Court in this regard and therefore, the second respondent is a necessary party for effective adjudication of this suit filed by the revision petitioner.

4. When another litigation is pending between the parties, wherein the second respondent is also claiming title over the property, it is preferable



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to implead the second respondent for effective adjudication of the civil suit.

The presence of the second respondent is warranted and thus, this Court do not find any infirmity in respect of the order passed and accordingly, the fair and decretal order dated 06.09.2022 in I.A.No.1 of 2021 in O.S.No.8211 of 2022 stands confirmed and the Trial Court shall proceed with the suit as expeditiously as possible.

5. Accordingly, the civil revision petition is dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Speaking Order/Non-Speaking Order.

27.01.2023

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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To

1. The XI Assistant City Civil Court, Chennai.

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S.M.SUBRAMANIAM, J.

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