



CRP. No. 4240 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4240 of 2023
& CMP No. 25802 of 2023

- 1.Tamil Nadu Electricity Board Engineer's Sangam,
Registration Number. 124/MDS(Recognized),
Mr.V.S.Sampath Kumar,
793, Anna Salai, Chennai – 600 002.
- 2.V.S.Sampathkumar

...Petitioners

Vs.

- 1.S.Manoharan
- 2.Kalyanasundaram
- 3.R.Govindarajan
- 4.M.Subramanian
- 5.TNEB Engineer's Union,
Regn No. 481/KPM-I.C No. 31901
A trade union registered under the Trade Unions Act,
1926, Represented by its General Secretary,
Mr.R.Govindarajan, having its registered office at
AP1138, 75th Street, K.K.Nagar, Chennai – 78.

....Respondents



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PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order 27.07.2023 in I.A No. 1 of 2022 in O.S No. 2368 of 2022 on the file of the V Additional City Civil Judge, Chennai.

For Petitioner : Mrs.Chitra Sampath, Senior counsel.
For Respondent : Ms. D. Nagasaila

ORDER

This petition has been to set aside the fair and decreetal order dated 27.07.2023 passed by the V Additional City Civil Judge, Chennai, in I.A No. 1 of 2022 in O.S No. 2368 of 2022.

2. The learned counsel for the petitioners submit that the petitioners herein/plaintiffs filed C.S No. 689 of 2012 for the relief of permanent injunction and other consequential relief against the defendants/respondents 1 to 4 herein. Thereafter, the petitioner herein filed O.A Nos. 869 and 870 of 2017 for interim injunction and the same was allowed by this Court. Subsequently, the petitioners herein filed A. No. 142 of 2015 in O.A Nos. 869 and 870 of 2017 in C.S No. 689 of 2012, to punish the respondents for committing wilful disobedience of the order of this Court in O.A Nos. 869 and 870 of 2017 in C.S No. 689 of 2012. Against the order in A. No. 142 of



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2015, the third respondent herein filed OSA No. 425 of 2018 before this

Court and this court held that neither third respondent nor respondents

1, 2 and 4 herein entitle to use the premises of the first petitioner Sangam

and dismissed the same. Accordingly, the respondents 1 to 4 herein who are

members of the fifth respondent/ TNEB Engineer's Union, handed over the

possession of the premises in Coimbatore to the Tamil Nadu Electricity

Board Engineer's Union on 04.08.2022. In the meantime, the said Civil suit

was transferred to the V Additional city Civil Court, and numbered as O.S

No. 2368 of 2022. Thereafter, the petitioner herein filed I.A No. 1 of 2022 in

O.S No. 2386 of 2022, to implead the TNEB Engineer Union, a registered

Trade Union under the Trade Union Act, 1926 having Registration No.

481/KPM – 1 C.No. 31901, Represented by its General Secretary,

Mr.R.Govindarajan, having office at AP 1138, 75th street, K.K. Nagar,

chennai -78 as the fifth respondent and for amending the plaint claiming

damages of a sum of Rs.20 lakhs with interest as against the respondents,

the said application was strongly objected by the defendant/respondent. But,

the Court below dismissed the said application without considering the fact

that a fresh period of limitation begins to run at every moment of time during

which there is a breach of the interim orders passed by this Court in terms of



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Section 22 of the Limitation Act, 1963, impleading the fifth respondent is necessary and proper. Hence, he prays to allow this petition.

3. The learned counsel for the respondents submit that the fifth respondent is no way connected with suit proceedings and the same was rightly appreciated by the Court below which needs no interference.

4. On seeing the entire facts, it reveals that there was a contempt proceedings initiated against the respondents herein. Thereafter, based on the order of this Court the respondents handed over the possession of the premises to the plaintiffs/petitioners herein. Even though there is no cause of action arose between the parties with regard to land in issue, the premises belongs to the first petitioner was under the occupation of the proposed party/fifth respondents which was formed by the erstwhile members of the first petitioner Sangam. Hence, impleading the fifth respondent would not cause any prejudice to the respondents. Therefore, order passed by the V Additional City Civil Judge, Chennai, in I.A No.1 of 2022 in O.S No. 2368 of 2022 is set aside. Thus, I.A No. 1 of 2022 is allowed.

5. In the result, this Civil Revision Petition is allowed. No cost.



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Consequentially, connected miscellaneous petition is closed.

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To

1. The V Additional City Civil Judge, Chennai.



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T.V.THAMILSELVI,J.

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