



C.R.P.(MD)No.3225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

C.R.P.(MD)No.3225 of 2023  
and  
C.M.P.(MD)No.16625 of 2023

M.Kumarasamy

: Petitioner/Petitioner/  
Defendant

Vs.

Ms.ARA.Investment & Finance Pvt., Ltd.,  
Having Office at A16, Colony Main Road,  
11 Cross, Thillai Nagar, Trichy – 18,  
Rep.by its Director N.Vellayan @ Srinivasan,  
S/o.Nachiappan

: Respondent/Respondent/  
Plaintiff

**Prayer** : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order, dated 07.11.2022 made in I.A.No.4 of 2022 in O.S.No.47 of 2009 on the file of the III Additional District Judge, Tiruchirappalli.

For Petitioner

: Mr.M.Kumarasamy  
Party-in Person

For Respondent

: Mr.K.Prabhakar



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**ORDER**

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The Civil Revision Petition is directed against the order passed in I.A.No.4 of 2022 in O.S.No.47 of 2009, dated 07.11.2022 on the file of the III Additional District Judge, Tiruchirappalli, dismissing the petition filed under Order I Rule 10 of C.P.C.

2. The respondent as plaintiff has filed the above suit on mortgage against the revision petitioner. The revision petitioner has filed the written statement raising the pleas of partial discharge and the quantum of interest as exorbitant. The learned trial Judge, has proceeded with the trial.

3. It is seen from the records that when the suit was pending for arguments, the above petition came to be filed along with two other applications in I.A.No.5 of 2022 and I.A.No.6 of 2022. The revision petitioner has sought to implead his wife, son and daughter as additional defendants to the above suit.

4. The main contention of the revision petitioner is that he has purchased the property with the funds settled by his in-laws and that his wife and children have to be impleaded as additional defendants. But admittedly, the suit was laid against the revision petitioner on the basis of



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mortgage. Moreover, the suit is pending from 2009 onwards. The learned trial Judge has rightly observed that the suit properties are the individual properties of the defendant and since the proposed parties have no interest or connection in the suit transaction or in the suit properties, they cannot be impleaded as defendants.

5. Considering the entire facts and circumstances of the case and also taking note of the fact that the suit is pending from 2009 onwards, this Court has no hesitation to hold that the above petition came to be filed only to protract the proceedings and as such, the impugned order, dismissing the implead petition, cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

**12.12.2023**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
das



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**To**

- 1.The III Additional District Judge,  
Tiruchirappalli.
  
- 2.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

das

Order made in  
C.R.P.(MD)No.3225 of 2023  
and  
C.M.P.(MD)No.16625 of 2023

Dated : 12.12.2023