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C.R.P.(PD).No.1010 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1010 of 2024

and

C.M.P.No.5206 of 2024

Venkatappa @ Venkatesappa

... Petitioner

VS

1.Y.Krishna Reddy

2.Jesu Maris Roy

3.Dr.Nallathambi Education and Health Foundation,
Rep. by its Founder Trustee,
Dr. S.A. Nallathambi,
Office at Kanangulam,
Tirunelveli District – 627 127.

4.I.Yesudian Anbalagan

5.M/x. Hosur Tropical Biotech Laboratory Pvt. Ltd.,
Rep. by its Managing Director,
Mr. C. John Kurubakaran,
Office at Kannimangalam Village,
Bagalur Post, Hosur Taluk,
Krishnagiri District.



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6.Ramaiah

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal Order passed in I.A.No.3 of 2022 in O.S.No.76 of 2019 dated 02.09.2023 on the file of Additional District Judge, Hosur by allowing the present Civil Revision Petition.

For Petitioner : Mr.R.Jayaprakash

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking impleadment of 6th respondent herein as a party defendant in the suit.

2. The petitioner herein filed a suit seeking declaration that Sale Deeds executed by 1st defendant, 2nd defendant and 3rd respondent dated 03.06.2010, 15.03.2012 and 16.04.2012 in favour of 2nd defendant, 3rd respondent and 5th respondent respectively were null and void and for permanent injunction restraining the defendants from alienating suit property to the third parties by means of permanent injunction. The petitioner also sought for a declaration of



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his title over the suit property and for recovery of possession. The suit was resisted by the respondents 2 to 5 herein by filing their written statement.

3. Pending suit, the petitioner filed the instant application for impleadment of 6th respondent on the ground that his father Munivenkatappa purchased the suit property from petitioner's ancestor without court permission and he was minor at that point time. It was also claimed by the petitioner that he acquired knowledge about the said purchase only recently. He also claimed that said Munivenkatappa died leaving behind 6th respondent herein as his legal representative and hence, the 6th respondent is a necessary party to be included in the present suit. The Trial Court dismissed the said impleading application and the aggrieved by the same, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that proposed party is a necessary party for adjudication of the present suit and hence, the order dismissing the impleading application is liable to be set aside.

5. The petitioner herein has not sought for any relief in respect of



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alienation made in favour of Munivenkatappa in the present suit. The sale in favour of proposed 6th respondent's father was made by mother of the petitioner on 21.04.1947. The petitioner has not sought for any relief in respect of the said sale in favour of father of the proposed party. When there is no prayer to avoid the sale deed in favour of Munivenkatappa, the presence of 6th respondent is not at all necessary in the present suit. Therefore, the petitioner has not made out any case for impleading 6th respondent in the suit. I do not find any error in the order impugned in this revision.

6. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected MP is closed.

19.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

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The Additional District Judge,
Hosur.



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S.SOUNTHAR, J.

dm

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