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C.R.P.(PD).No.1050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1050 of 2024
and C.M.P.No.5445 of 2024

T.V.Mylsamy

... Petitioner

VS

1.Uma Maheswari

2.T.R.Murali

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the judgement and decree made I.A.No.02 of 2022 in O.S.No.274 of 2021 dated 11.12.2023.

For Petitioner : Mr.B.Ram Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the impleading application filed by 1st respondent, who is sister of the the petitioner.



2. The petitioner herein filed a suit for recovery of rental arrears. It is the case of the petitioner that suit property was let out to 2nd respondent and he was in arrears of rent. The 1st respondent herein, who is sister of the petitioner, filed an impleading application on the ground that suit filed by the petitioner seeking declaration and permanent injunction in respect of the suit property against her and her sister was dismissed by the Trial Court and the same was confirmed in appeal in A.S.No.71 of 2006 on the file of District Court, Coimbatore. Therefore, it is the case of the 1st respondent that title of the petitioner was negated by the Trial Court and in such circumstances, the present suit filed by the petitioner for recovery of rental arrears is nothing but an abuse of process of the court.

3. A perusal of the impugned order would suggest that some other suits are pending between the petitioner and 1st respondent regarding title disputes and in such circumstances, the Trial Court came to the conclusion that sister of the petitioner, who is claiming right over the property is a necessary party in the suit. In view of the dispute between the petitioner and 1st respondent with regard to right over the suit property, it is better to adjudicate the



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controversies arising for consideration in the suits in the presence of the 1st respondent. Therefore, the Trial Court is justified in allowing the impleading application and I do not find any error in the order impugned in this revision.

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

Consequently, the connected civil miscellaneous petition is closed.

21.03.2024

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

To

The I Additional District and Sessions Judge,
Tiruppur.



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S.SOUNTHAR, J.

dm

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