



C.R.P.(PD).No.837 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.837 of 2021
and CMP.No.6669 of 2021

A.D.Murugan

... Petitioner

vs.

1.A.Moolraj Singhvi
2.K.Vasantha

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 15.12.2020 made in I.A.No.5 of 2019 in O.S.No.3116 of 2019 on the file of the XVI Assistant City Civil Court, Chennai.

For Petitioner	: Mr.K.N.Nataraj
For Respondents	:Not ready in notice for R1 and R2



C.R.P.(PD).No.837 of 2021

ORDER

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The Civil Revision Petition is filed challenging the order allowing impleading application filed by the first respondent. The petitioner herein filed a suit for injunction against the second respondent.

2. It is the case of the petitioner that he is a tenant under the second respondent and he is not in arrears of rent. The second respondent attempted to dispossess the petitioner except by due process of law and hence the petitioner was constrained to file the suit for bare injunction against the respondent.

3. When the suit was pending, the first respondent filed petition to implead himself as a party by claiming title over the suit property under the registered sale deed dated 23.04.1975. It was also claimed by the first respondent that he had been in possession and enjoyment of the suit property all along from the date of purchase. The said application was contested by the petitioner by filing counter.



C.R.P.(PD).No.837 of 2021

4. The said application was allowed by the Court below on the ground that the first respondent claiming himself as the real owner of the property under registered sale deed had filed an application for his impleadment since the first respondent/proposed party claims himself as a real owner of the property, though he cannot be a necessary party in a suit for bare injunction, his presence would certainly enable the Court to decide the controversy involved in the suit in an effective manner and hence the first respondent is a proper party to the litigation and accordingly, the Court below rightly allowed the application for impleadment filed by the first respondent.

5. I do not find any infirmity or irregularity in the order passed by the Court below and accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

30.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.(PD).No.837 of 2021

S.SOUNTHAR, J.

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To

The XVI Assistant City Civil Court,
Chennai.

C.R.P.(PD).No.837 of 2021

30.01.2024

4/4