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C.R.P.No.1213 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1213 of 2024

and

C.M.P. No.6325 of 2024

S. Suguna W/o. Subramani

... Petitioner

Vs.

1. M/s.A.P. Kumar Builders Pvt. Ltd.,
represented by its Managing Director
Mr. A.P. Kumar

2. Sundari W/o. Babu Shankar

3. Mahaveer Chand S/o. Gautham Chand Jain

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 08.02.2024 passed by the learned XXIII Additional Judge, City Civil Court, Chennai in I.A. No.3 of 2023 in O.S. No.119 of 2020.

For Petitioner

: Mr. C. Prabhakaran

for Mr. A.M. Packianathan Easter



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner to implead the 3rd respondent as party defendant in the Suit.

2. The petitioner herein filed a Suit for declaration of title and permanent injunction against the respondents and the same was dismissed. Now the instant application has been filed to implead the 3rd respondent, the vendor of the 1st defendant, as a party defendant in the Suit. In the affidavit filed in support of the impleading application, it has been stated by the petitioner that even in his plaint averments, the petitioner had claimed that the 1st respondent herein claimed that he purchased the property from the 3rd defendant and hence the vendor of the 1st respondent was necessary party to the present Suit.

3. The alleged sale by the proposed party in favour of the 1st respondent was known to the petitioner even at the time of filing of the plaint. The



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petitioner in his plaint averments clearly mentioned that the 1st respondent claiming Title under the 3rd respondent, the proposed party. However, he failed to implead the proposed party consciously. The proposed party already sold his interest in the Suit property in favour of the 1st respondent and there is no attempt on his part to interfere with the possession of the petitioner. Therefore, the petitioner had chosen to file the present Suit for declaration and injunction only against the respondents 1 and 2. In view of the same, the petitioner has not made any case against the proposed party to make him as necessary party to the present Suit. The Court below has rightly dismissed the application for impleadment. Therefore, I do not find any error in the order passed by the Court below.

4. Therefore, the Civil Revision Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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The XXIII Additional Judge, City Civil Court, Chennai .

S.SOUNTHAR , J.

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