



CRP.No.1328 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1328 of 2020

and

CMP.No.7281 of 2020

Ravi

... Petitioner

Vs.

1.Varadarasu
2.Mohan
3.Vijayakumar
4.Duraisamy

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.03.2020 passed in I.A.No.1 of 2019 in OS.No.34 of 2009 on the file of the Additional Subordinate Judge, Namakkal.

For Petitioner : Mr.S.Saravanakumar
for Mr.I.Abrar MD Abdullah

For Respondents : Mr.H.Shabeer Ali
for M/s.Sarvabhauman Associates for R1
R2 & R3- served-No appearance



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ORDER

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This Civil Revision Petition is filed challenging the order passed by the Court below allowing the impleading application filed by the first respondent herein.

2. The petitioner herein filed a suit for bare injunction against the respondents 2 to 4. In the suit prayer, the petitioner herein sought for injunction restraining the respondents 2 to 4 or his men from causing interference with his peaceful possession and enjoyment of the suit property. The first respondent herein claims himself as a purchaser of the suit property on 25.04.2016 from one Vijay power agent of Pursothaman. It is also stated that the respondents 2 & 3/defendants 1 & 2 sold the property to Pursothaman through their power agent Muthukumar. Therefore, the first respondent herein is claiming right over the suit property as a purchaser under the original defendants.

3. Therefore, if any injunction is passed restraining the original defendants from interfering the possession of the plaintiff, the same will affect



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rights of the person claiming title under the defendants. Therefore, the Court below rightly came to the conclusion that the presence of the first respondent is absolutely necessary to decide the matter comprehensively and allowed the impleading application. Even if petitioner is not necessary party in the suit for injunction, his presence will enable the Court to decide controversy in more effective manner. Hence, he is a proper party to the suit. I do not find any reason to interfere with the impugned order passed by the Court below and accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

10.01.2024

Index : Yes / No
Internet : Yes / No
dna

To

The Additional Subordinate Judge, Namakkal.

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S.SOUNTHAR, J.

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