



WEB COPY



C.R.P.(PD).No.1926 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1926 of 2020
and CMP.No.11786 of 2020

Prakash N.Patel

... Petitioner

vs.

- 1.Perilavanpatti Hindu Nadar (Madras)
Uraving Murai Owing T.V.A.Nallazhagu High School,
Reptd. By its Secretary, N.G.Ravindran,
No.16, Cuddappa Chetty Street,
Chennai – 600 003.
- 2.Devaraj Chettiar
- 3.Sekar
- 4.Sathya
- 5.Mallika
- 6.Rajeshwari
- 7.Sakthivel
- 8.Divya
- 9.Ramya

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order of dismissing the petition, dated 13.07.2020, made in I.A.No.464 of 2019 in O.P.No.69 of 2002, on the file of the Subordinate Court, Ponneri and consequently allow the petition.



WEB COPY



C.R.P.(PD).No.1926 of 2020

For Petitioner : Mr.R.Munuswamy
For Respondents : Mr.R.Krishna Swamy for R1
No Appearance for R3 and R4
R5, R2 and R9-vacated

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner to implead himself as a party defendant in the suit.

2. The first respondent herein filed a suit for declaration of title and injunction and the petitioner claiming himself as an agreement holder under one Sivakumar, whose legal representatives are already on record, seeks his impleadment as a party defendant in the suit. The petitioner herein sought his impleadment mainly on the ground that he is an agreement holder of the suit property with Sivakumar and since he paid the entire sale consideration as per the agreement, the legal representatives of Sivakumar are not interested in prosecuting the case.

3. The petition for impleadment filed by the revision petitioner was dismissed by the Court mainly on the ground that the agreement of sale



C.R.P.(PD).No.1926 of 2020

will not create any interest over the property and the petitioner has not taken any steps to seek specific performance of the agreement alleged to have been executed in his favour in the year 2011. The Court below taking into consideration that the suit has been pending for the past 25 years and the suit is posted for arguments of parties came to the conclusion that the impleadment of the petitioner who is not having any interest in the suit property is not at all necessary.

4. The learned counsel appearing for the petitioner submits that the petitioner entered into a sale agreement with the above said Sivakumar and paid the entire sale consideration and he has been in possession and enjoyment of the suit property under the agreement. Therefore, in a suit for declaration and injunction filed by the first respondent, he is a necessary party.

5. A perusal of the affidavit filed in support of the impleading petition reveals that the petitioner has not pleaded that he was put into possession of the suit property under the agreement.



C.R.P.(PD).No.1926 of 2020

6. Unless it is shown that the petitioner has got possession of the property under the agreement, he is not entitled to come on record in the suit for declaration and injunction filed by the first respondent as he has not acquired any interest over the suit property by virtue of alleged sale agreement entered by him.

7. It is also seen that having entered into a sale agreement in the year 2011, till date the petitioner has not filed a suit to enforce his rights. The Court below rightly dismissed the impleading petition filed by the petitioner.

8. I do not find any error in the order impugned in the revision. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

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



C.R.P.(PD).No.1926 of 2020

To

WEB COPY
The Subordinate Court,
Ponneri.



WEB COPY



C.R.P.(PD).No.1926 of 2020

S.SOUNTHAR, J.

ub

C.R.P.(PD).No.1926 of 2020

07.02.2024