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C.R.P.No.1476 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1476 of 2017 and

C.M.P.No.6851 of 2017

K.R.Doraibabu (deceased)

1.Mrs.K.Saradha

2.Mrs.K.Keerthy

3.K.Jayanthy

... Petitioners

Vs.

1.K.Bahthravathi (deceased)

2.Mrs.Agalyadevi

3.Mrs.Baby

4.Mrs.Rukmani

5.Mr.Duraikannu

6.M/s.Aswin Florist and Wedding Decors

7.M/s.KRS Medical,

Chemist and Druggists

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair order and the decreetal order dated 14.02.2017 passed in I.A.No.16747 of 2016 in O.S.No.8664 of 2010 by the learned XV Additional City Civil Court, Chennai.



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For Petitioners : M/s.V.B.Thirupathi Kumar
For Respondent 1 &2 : Given up
For respondent 3 : M/s.S.Suresh Kumar
For respondent 4 &5 : M/s.M.A.Kalam
For respondent 6 : Not ready in notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/plaintiffs seeking impleadment of respondents 5 to 7 as party defendants 5 to 7.

2. The petitioners herein filed a suit for declaration of title, permanent injunction restraining the respondents 1 to 4/defendants 1 to 4 from alienating the suit properties. The petitioners also sought for declaration declaring settlement deed dated 09.09.1999 executed by 1st petitioner's father K.K.Ranganathan(late) in favour of 4th respondent/4th defendant as null and void.

3. Pending above suit, the instant application has been filed by the petitioners for impleading respondents 5 to 7 as party defendants. In the affidavit filed in support of the impleading application, it was stated by the



petitioners that 4th respondent, who was examined as D.W.1, during the course of his evidence stated that the proposed parties were his tenants and he had been receiving the rent from them. Therefore, on the allegation that 4th respondent is liable to render true and proper accounts to the plaintiffs in respect of the rent received by him from the proposed parties/tenants, who are in occupation of the property, the instant application has been filed for seeking their impleadment.

4. The petitioners filed a suit for declaration of title and injunction restraining the respondents 1 to 4 from alienating the suit properties. The petitioners have not filed a suit seeking recovery of possession or rendition of accounts from the respondents/defendants. In these circumstances, the question of impleading the tenants of 4th respondent, ascertainment of rent received by 4th respondent from his tenants are all not issues which are *germane* to the present suit. Therefore, the Court below rightly came to the conclusion that respondents 5 to 7 are not necessary parties for effective and complete adjudication of the case and dismissed the suit. I do not find any error in the order impugned in this revision.



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5. Accordingly, 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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To

The learned XV Additional City Civil Court, Chennai.



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S.SOUNTHAR, J.

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