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C.R.P.(PD).No.4239 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.4239 of 2019
and CMP.No.27647 of 2019

1.Padmavathy

W/o.Late Raman

rep. By her General Power of Attorney,

V.Prabhu

No.103/6, Goldeen Flats, Mugappair,

Anna Nagar, Chennai – 600 037.

(Mr.V.Prabhu recognized as General Power of Attorney to the petitioners viz., Padmavathy vide Court order dated 31.10.2019 made in CMP.No.22721 of 2019 in CRP.Sr.122516 of 2019 (RSKJ)

2.Mangai

3.Rosy @ Rajeswari

4.Senthil Kumar

5.Saravanan

(petitioners 2 to 5 are residing at No.103/6 Goldeen Flats, Mugappair Anna Nagar, Chennai – 37, Rep by their General Power of Attorney V.Prabhu, No.103/6, Golden Flats Mugappair, Anna Nagar, Chennai – 600 037. Sole petitioner died. Petitioners 2 to 5 are brought on record as Lrs of the deceased sole petitioner viz., Padmavathy vide Court order dated 09.01.2023 made in CMP.No.3535/2020 in CRP.No.239/2019 by JSNPJ).

(Cause title accepted vide order of Court dated 09.12.2019 made in CMP.No.22722 of 2019 in CRPSR.No.122516 of 2019 (VBDJ).

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... Petitioners

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vs.

1.P.Uthriyananthan

2.VGP Housing (P) Ltd.,
Registered Partnership Firm
Represented by its Director,
V.G.Selvaraj
Having Office at
VFP Square, Dharmaraja Koil Street,
Saidapet, Chennai – 600 015.

3.D.Suresh Babu

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the orders passed on 11.04.2019 in I.A.No.15629 of 2018 in O.S.No.5080 of 2013 on the file of the I Assistant Judge, City Civil Court, Chennai and allow this Civil Revision Petition.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.D.Balasubramanian
for Mr.K.Balasubramanian for R1
No appearance for R2 and R3



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ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court allowing the application for impleading filed by the first respondent.

2. The petitioner herein filed a suit for declaration that sale deed dated 06.12.1974 registered in the name of first defendant was null and void and also for declaration that power of attorney dated 07.02.2012 executed by first defendant in the name of second defendant was void *ab initio* and also for injunction restraining the defendants from encumbering the schedule – F property and other relief.

3. The first respondent herein filed an application to implead himself as a party defendant on the ground that he was an agreement holder under the first defendant. The said impleading application was allowed by the Court below by way of non speaking order without any reasoning.



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4. When the matter was taken up for hearing on the last occasion, it was pointed out that what has been filed in the typed set of papers is only a docket order and there must be a detailed fair order passed by the Court below.

5. The learned counsel for the first respondent had taken time to produce the fair order passed by the trial Court which according to him contained reasons in support of it's conclusion. Today, when the mater is taken up for hearing, the learned counsel appearing for the first respondent on instructions submits that there is no fair order passed by the trial Court and what is available is only the docket order.

6. A perusal of the impugned order passed by the trial Court which is available in page No.54 of the typed set of papers would show that it is a non speaking order containing no reasons for allowing the impleading application. Therefore, the same is liable to be set aside.



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7. Accordingly, the Civil Revision Petition is allowed by setting aside the order impugned in this revision and the matter is remanded back to the trial Court with direction to dispose of impleading application in I.A.No.15629 of 2018 on merits in accordance with law afresh within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2024

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

The I Assistant Judge, City Civil Court, Chennai.



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S.SOUNTHAR, J.

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