



CRP(MD)No.319 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD)No.319 of 2020
and
C.M.P(MD)No.1814 of 2020

Joseph

... Petitioner/Petitioner/Plaintiff

Vs

1.Nagarajan

2.Muruges

... Respondents 1 and 2/Respondents 1 and 2/
Defendants 1 and 2

3.Senthilkumar

... 3rd Respondent/3rd Respondent/
Proposed 3rd Defendant

Prayer:

This Petition is filed under Article 227 of the Constitution of India to call for the records relating to Fair and Decretal order in I.A.No.1 of 2019 in O.S.No. 10 of 2023 passed by the learned Additional District Munsif, Padmanabhapuram, dated 05.11.2019 and set aside the same.

For Petitioner : Mr.A.Balakrishnan

For Respondents : No Appearance for R1 & R3

Mr.B.Brijesh Kishore for R2



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ORDER

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The Civil Revision Petition is filed to set aside the Fair and Decreetal order in I.A.No.1 of 2019 in O.S.No.10 of 2023 passed by the learned Additional District Munsif, Padmanabhapuram, dated 05.11.2019.

2.The plaintiff is the revision petitioner herein. I.A.No.1 of 2019 in O.S.No.10 of 2013 was filed to implead the necessary party.

3.According to the respondents, at the time of filing the suit, the plaintiff has impleaded Nagarajan, Murugesh and Senthilkumar as the defendants in the suit. However, the written statement was filed by the defendants pointing out that the properties stand in the name of Senthilkumar. When the written statement was filed on 06.07.2013, the plaintiff did not make any application and without ascertaining one necessary party and had filed this I.A., in the year 2019. In the absence of any explanations advanced by the plaintiff/petitioner for the inordinate delay of six years in making this impleading petition, which goes to the route of the case.



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4.The trial Court had noted a judgment reported in AIR 1975 Orissa 86, which held that *“an impleading of the proposed party would amount to substituting a new suit and to direct a fresh trial which cannot be permitted at the belated stage”*.

5.In view of the same, this Court feels that the order passed by the trial Court in I.A.No.1 of 2019 in O.S.No.10 of 2013 needs any interference by this Court and hence, this Civil Revision Petition is dismissed.

6.Since the suit is of the year 2013, the learned Additional District Munsif, Padmanabhapuram, is directed to dispose of the case in O.S.No.10 of 2013 within a period of ten months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sjj
To

The Additional District Munsif, Padmanabhapuram.



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N.SENTHILKUMAR, J.

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