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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

C.R.P(MD)No. 1142 of 2020

and

C.M.P(MD)Nos. 7312 of 2020 and 4620 of 2021

The District Manager,
Food Corporation of India,
No.379-380,
North Agaram,
Thanjavur Town & Taluk.

...Petitioners

Vs.

- 1.V.Arumugam
- 2.Jagarban Beevi
- 3.Sabarunnisa Begum
- 4.Basheer Ahamed
- 5.Habibunnisa Begum
- 6.Deensha Begum
- 7.Barjohn Begam
- 8.Fathima Bivi

9.M/s.Anand Insurance Company,
Represented by its Manager for South India,
No.14/17, Basker Street,
Chennai – 1.
Within the jurisdiction of Chennai City Civil Court.



10.M/s.New India Assurance Company,
Represented by its Manager for South India,
No.14/17, Basker Street,
Chennai – 1.

Within the jurisdiction of Chennai City Civil Court.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to call for the records relating to the fair and decreetal order passed in I.A.No.35 of 2018 in O.S.No.86 of 2016 dated 22.07.2019, on the file of the II Additional District and Sessions, Court, Thanjavur and set aside and allow the Civil Revision Petition.

For Petitioner : Mr.M.Kumar

For Respondent No.1 : Dr.D.Gnanasekaran

For Respondent No.2 : Died

For Respondent No.7 : No appearance

JUDGEMENT

This Civil Revision Petition has been filed challenging the order passed in I.A.No.35 of 2018 in O.S.No.86 of 2016 dated 22.07.2019, on the file of the II Additional District and Sessions, Court, Thanjavur

2.The respondents have filed the suit for recovery of money. When the proceedings commenced before the trial court, the first respondent who was the



plaintiff filed an application to implead the District Manager, Food Corporation of India, Thanjavur, as a necessary defendant, more specifically as a first defendant. According to the plaintiff, they are the hulling agents. The claim of the plaintiff in the suit is for recovery of money, which is now lying with the Food Corporation of India. The said application was allowed by the trial Court by giving a reason that the money has to be recovered from the Food Corporation of India and it is the necessary party for recovery, if the plaintiff succeeds in the suit finally. Challenging the impleadment, the present Civil Revision Petition has been filed.

3.The learned Counsel appearing for the Food Corporation of India contends that as per Article 23 of the Limitation Act, the limitation period is only 3 years. The plaintiff has not made any application within the stipulated time to implead the Food Corporation of India as a necessary party. As the limitation period is running, the plaintiff who has knowledge about the Food Corporation of India with whom the entire money is pending, must have impleaded them as party.

4.As the limitation is a question of fact and question of law which has to be adduced only at the time of trial by adducing sufficient evidence, I do not find any merit in interfering with the impugned order.



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5. As the suit is of the year 2016, the trial Court is directed to complete the trial within a period of six [6] months, preferably on a day-to-day basis.

6. With the above observation, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MR



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To

- 1.The II Additional District and Sessions, Court,
Thanjavur.
- 2.The District Manager,
Food Corporation of India,
No.379-380,
North Agaram,
Thanjavur Town & Taluk.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

MR

Order made in
C.R.P(MD)No.1142 of 2020

22.11.2024