



C.R.P. (PD)(MD).No.90 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.90 of 2019

and

C.M.P(MD) No.458 of 2019

Firm Aathi Sri Fabs,
Registered Partnership Fir,
Having its Business Premises at
No.31, V.V.G.Nagar,
Vengamedu, Karur Taluk,
Represented by its Partner
A.Murugesan, S/o.R.Ayyavoo,
Residing at No.108,
K.S.P.Street,
Vengamedu Karur Taluk,
Karur District.

... Petitioner/4th Respondent/3rd Party

-VS-

A.Ramesh (died)

1. Jamuna
2. Minor Jayavelraja
S/o. Late A.Ramesh,
No.2, Athisakthi Vinayagar Koil Street,
Vengamedu, Karur Taluk,
Karur District.

(Represented by his mother and
natural guardian Jamuna)

3. A.Kuppayee

... Respondents 1 to 3/Petitioners/
Creditors



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4. D.Thomas

5. S.Selvaraj

6. T.Shanthi

... Respondents 4 to 6/
Respondents 1 to 3/Debtors/
Purchasers.

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 16.11.2018 passed in I.A.No.512 of 2013 in I.P.No.15 of 2011 on the file of the learned Principal Subordinate Judge, Karur.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.VRG.Mohan – for R1

ORDER

The present Civil Revision Petition has been filed by a third party in I.P.No.15 of 2011 on the file of the Principal Sub-Court, Karur, challenging the order dated 16.11.2018, passed in I.A.No.512 of 2013.

2. The respondents 1 to 3 herein had filed I.P.No.15 of 2011 as creditors as against the respondents 4 to 6. Pending insolvency proceedings, he wanted to implead the present revision petitioner herein who is also one of the creditors and filed I.A.No.512 of 2013 to implead the revision petitioner



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herein as the fourth respondent in the main insolvency proceedings. This application was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed by the proposed party.

3. According to the learned counsel appearing for the proposed party, the application for impleading the revision petitioner has been dismissed on the sole ground that the proposed party has not chosen to appear before the trial Court. He further pointed out that on receipt of notice from the Court in I.A.No.512 of 2013, he had engaged his counsel and he has also reported that he had no objection for impleading himself in the insolvency proceedings. Therefore, the trial Court was not right in dismissing the said application.

4. The learned counsel appearing for the petitioners in I.P.No.15 of 2011 has also submitted that they have no objection for impleading the revision petitioner herein as fourth respondent in the insolvency proceedings.

5. A perusal of the order dated 16.11.2018 reveals that the revision petitioner/proposed party had engaged his counsel and he had expressed that he has no objection for impleading himself. In such circumstances, the trial



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Court was not right in dismissing the application on the ground that the proposed party has not chosen to appear before the Court.

6. In such view of the matter, the order passed by the trial Court in I.A.No.512 of 2013 is hereby set aside and the revision petitioner is directed to be impleaded as fourth respondent in I.P.No.15 of 2011 on the file of the Principal Subordinate Court, Karur.

7. With the above said observation, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Principal Subordinate Court,
Karur.



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R.VIJAYAKUMAR,J.

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