



C.R.P.(PD)(MD) No.1000 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD) No.1000 of 2020

and

C.M.P.(MD) No.6523 of 2020

N.Gowthaman

... Petitioner/2nd Respondent/
Defendant

Vs.

1.B.Subbiah

... 1st Respondent/Petitioner/
Third Party

2.A.Gowri

... 2nd Respondent/1st Respondent/
Plaintiff

3.K.Vaikund Lakshmi

... Respondent No.3

*[R3 – impleaded vide Court order dated 12.03.2024 made in C.M.P.
(MD) No.2443 of 2021 in C.R.P.(PD)(MD) No.1000 of 2020]*

Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.01.2020 made in I.A.No.610 of 2016 in O.S.No.101 of 2016 on the file of the Court of the District Munsif, Periyakulam.



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For Petitioner : No appearance
For R1 : Mr.S.Alagu Sundar
For R3 : No appearance
Respondent-2 : Died

ORDER

This matter was heard by this Court yesterday and on the request of the learned counsel for the petitioner, this Court posted the matter 'for orders' today.

2. Today, when the matter is called in the pre-lunch session, there was no representation for the petitioner. So also during the post-lunch session, there is no representation for the petitioner. Hence, this Court has no option except to proceed with the matter on merits.

3. This civil revision petition is directed against the order dated 21.01.2020 passed in I.A.No.610 of 2016 in O.S.No.101 of 2016 on the file



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of the Court of the District Munsif, Periyakulam. The said application was filed by Respondent No.1 herein under Order I Rule 10 of the Code of Civil Procedure to come on record as 2nd defendant in the main suit. The said application was allowed by the learned trial Court.

4. The petitioner herein is the sole defendant in the suit. The said suit was filed by Respondent No.2 herein. If at all there is any objection for Respondent No.2 coming on record as Defendant No.2, it is for Respondent No.2/plaintiff. The petitioner herein, who is the defendant in the suit, cannot have any objection for Respondent No.1 herein coming on record as Defendant No.2. As Respondent No.2/plaintiff has not raised any objection, nor questioned the order under revision, this Court does not see any reason to interfere with the discretion exercised by the learned trial Court by permitting Respondent No.1/3rd party to come on record as Defendant No.2 in the main suit. Further, no prejudice would be caused to the defendant/petitioner herein, if Respondent No.1/3rd party is allowed to come on record in the main suit.



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5. In view of the above, this Court does not find any merit in this Civil Revision Petition and the same is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.03.2024

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

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To

The District Munsif,
Periyakulam.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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12.03.2024
(2/2)