



C.R.P. (MD) No. 1605 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1605 of 2022

and

C.M.P. (MD) No. 6950 of 2022

1.A.Selvaraj

2.A.Raja

... Petitioners/

Proposed Parties

-VS-

1.Chinnadurai

2.Kanthimathi

3.Saraswathy

... 1st Respondent/
Plaintiff

... Respondents 2 & 3/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 30.06.2022 passed in I.A.No.1 of 2022 in O.S.No.107 of 2017 on the file of the learned Principal Subordinate Judge, Palani by allowing this Revision Petition.

For Petitioner : Mr.S.Karthik

For Respondent : No appearance



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ORDER

This Civil Revision Petition is directed against the order of the learned Principal Subordinate Judge, Palani, dated 30.06.2022 made in I.A.No.1 of 2022 in O.S.No.107 of 2017.

2. The said O.S.No.107 of 2017 is filed for declaration and consequential reliefs as against the defendants who are arrayed in the suit. The petitioner, being third party, filed an application for impleading himself as a defendant in the suit which is rejected by the Trial Court. The Trial Court reasoned that the judgment will be binding only inter parties, even if the petitioner claims any right, he can initiate independent proceedings and when the plaintiff, being the *dominus litus*, has not impleaded him as a party, he cannot seek to intervene. Aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned Counsel for the petitioner would submit that only in order to avoid multiplicity of the proceedings and when the petitioner has shown a semblance of right in the suit property, the Trial Court ought to have ordered the petition.



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4. I have considered the said submissions made by the learned Counsel for the petitioner and perused the material records of the case. The suit in O.S.No.107 is of the year 2017. As on date, it is stated to have been posted for arguments and the entire evidence is over. Therefore, when the suit is a lis between the parties and on the pleadings, the issues have been framed and the parties have letting evidence and the matter is pending for arguments and especially, when the Trial Court has kept the case of the petitioner intact stating that the judgment will not be binding on him at this stage, I see no ground to interfere with the order of the Trial Court and keeping the liberty of the petitioner, open as ordered by the Trial Court, to agitate in appropriate proceedings. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No Costs.

10.07.2024

NCC : Yes/No
PKN

To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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