



CRP.No.2389 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 14.07.2025

Order pronounced on : 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

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N.Thanabal

..Petitioner

Vs.

1.Ananthi

2.S.Kumar

3.V.Ravikumar

4.M.Sundharajan

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Return Docket order dated 17.03.2025 made in I.A.SR.No.4835 of 2025 and consequently direct the Trial Court to entertain and decide the application under Order I Rule 10(2) r/w Section 151 of CPC.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.S.Rajasekar for R1

No appearance for RR2 to 4



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ORDER

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An application was taken out under Order I Rule 10(2) CPC, seeking impleadment of the revision petitioner as a party defendant in O.S.No.10631 of 2016. Even at the stage of numbering, the application has been rejected as not maintainable. Challenging the said docket order dated 17.03.2025, the proposed defendant /impleading applicant is before this Court by way of this revision.

2.The first respondent /plaintiff has also been served and has entered appearance through counsel. I have heard Mr.R.Prabakar, learned counsel for the revision petitioner and Mr.S.Rajsekar, learned counsel for the first respondent.

3.The learned counsel for the revision petitioner would contend that the suit was originally filed before the High Court by M/s.Marathon Electric India Pvt. Ltd., an assignor and sought for recovery of a sum Rs. 1,47,34,723.77/-, together with interest and the said suit is pending final adjudication. He would further state that pending the said suit, in and by an Assignment Agreement dated 23.09.2023, the revision petitioner has stepped into the shoes of the first defendant, who is the second respondent in this revision. The learned counsel would also state that the petitioner has parted with the consideration of

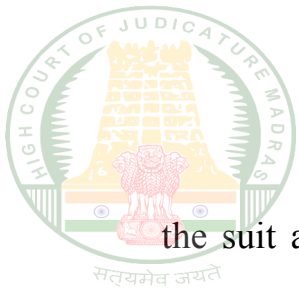


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Rs.1,50,00,000/- for the assignment and having become a true and legal beneficial owner of the outstanding amounts, it is contended that the revision petitioner has a legitimate right to step into the shoes of the assignor and participate in C.S.No.158 of 2004.

4.An application was filed to implead the revision petitioner in A.No.6603 of 2023 in O.S.No.158 of 2004, seeking to implead the revision petitioner as the plaintiff in the said suit. Even according to the learned counsel for the petitioner the said application is pending. It is the further contention of the revision petitioner that he has come to know about the present suit in O.S.No.1063 of 2016, which has been filed by the first respondent, suppressing the revision petitioner's assignment and also without impleading the revision petitioner as a party.

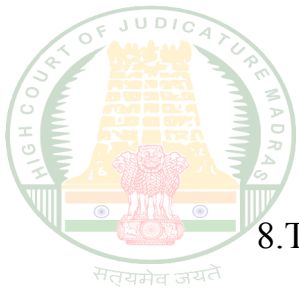
5.The learned counsel would therefore submit that being a bonafide assignee for value, the revision petitioner ought to have been arrayed as a defendant, since the revision petitioner is not only a proper, but also a necessary party to the suit. The learned counsel would therefore state that the Trial Court has erroneously dismissed the application even without proceeding to number



the suit and he seeks for the revision being allowed, setting aside the docket order dated 17.03.2025 and consequently permit the petitioner to prosecute his application under Order I Rule 10(2) of CPC.

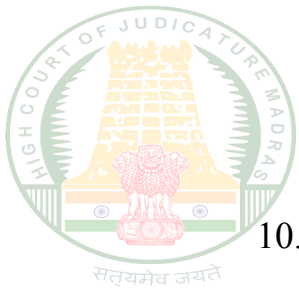
6.Per contra, Mr.S.Rajsekar, learned counsel for the first respondent, would submit that the revision petitioner is neither a proper nor a necessary party to the present suit, which is filed only to declare a Power of Attorney dated 30.10.2015 as forged, legally not valid and not binding on the first respondent /plaintiff and for a consequential permanent injunction. He would further state that the suit is in the stage of examination of D.W.2 and at that stage only in order to protract the proceedings, the revision petitioner has been set up by the defendants in the said suit. He would further state that the interest of the revision petitioner is in no way prejudiced because of the suit that has been filed by the first respondent/ plaintiff. The learned counsel would therefore state that there is no infirmity in the order of the Trial Court, holding that the petition for impleadment is not maintainable.

7.I have carefully considered the submissions advanced by the learned counsel on either side.



8.The present suit in O.S.No.1063 of 2016 is pending close to a decade and as already discussed, the suit is for declaration that the Power of Attorney dated 30.10.2015 is forged and not binding on the plaintiff and for consequential permanent injunction. The suit has been filed against three defendants and admittedly, the suit is in a part heard stage. It is now contended by the revision petitioner that he is an assignee for valuable consideration and he is entitled to recover the outstanding amounts due and payable to the first defendant .

9.Admittedly, the suit in C.S.No.158 of 2004 is only for recovering monies due, in which suit, the revision petitioner has already taken out an application to implead himself as a plaintiff and the said application is also pending before this Court, on the original side. In view of the said admitted position, I do not find any requirement for the revision petitioner to seek impleadment in the present suit, which has got nothing to do with the claim of the revision petitioner. The suit is only to declare the power of attorney as forged and non-binding on the plaintiff and for a consequential permanent injunction.



10.To adjudicate the issues that arise for consideration in the said suit,

the revision petitioner is neither a proper nor necessary party. The revision petitioner is not in any way going to assist the Trial Court in answering the issues that are being framed in the said suit. It is always open to the revision petitioner to independently canvass his rights and pursue his remedies, which is admittedly being followed up by filing an application to substitute the revision petitioner as a plaintiff in C.S.No.158 of 2004.

11.In view of the above, I do not find that in the present suit, the presence of the revision petitioner is necessary. I do not find any justifiable grounds to interfere with the findings of the Trial Court returning the interlocutory application for impleadment as not maintainable.

12.Before parting with the case, I would like to caution the Trial Courts not to undertake such exercise of flushing out interlocutory applications, even at the stage of numbering. It would be proper for the Trial Courts to number the applications that are filed with interlocutory reliefs and after hearing all the parties concerned, the Trial Court can always take a final decision and dispose off the interlocutory applications. The petitioner or applicant, who files the



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interlocutory application, would be seriously prejudiced, if such applications

are returned or rejected by way of mere returns made on the application. It would be proper for the Court to post the matter for maintainability and hear the counsel concerned and thereafter, pass orders on the application.

13.In the present matter, I do not find any prejudice caused to the revision petitioner, since all his objections and contentions have been raised before this Court and they have been addressed in this revision petition. However, it is desirable that this exercise is done by the Trial Court itself, without driving the parties to file revisions under Article 227 of the Constitution of India and further not only delay proceedings, but also multiply proceedings.

14.In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs.

18.07.2025

Speaking/Non-speaking order
Index : Yes/No
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P.B.BALAJI.J.



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To

The Principal District Munsif, Coimbatore.

Pre-delivery order made in
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