



WEB COPY



CRP NO. 2944 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP NO. 2944 of 2024 and CMP No.15760 of 2024

1.Geetha
2.Parthiban
3.Velu

Petitioners

vs

1.Rani
2.Girija
3.Thiyagarajan

Respondents

Revision filed under Article 227 of the Constitution of India to set aside the dismissal order passed in I.A.No.1 of 2022 in O.S.No.1288 of 2022 on the file of VI Assistant City Civil Judge, Chennai.

For Petitioners : Mr.R.Ramesh

For Respondents:Mr.G.Thangavel
Mr.G.Raja
Ms.A.Saranya

ORDER

The petitioners are defendants in a suit for declaration and recovery of possession.



2. The defendants, after receipt of summons, have filed an application in I.A.No.1 of 2022, seeking impleadment of Tamil Nadu Slum Clearance Board on the pretext that the properties were originally belonging to the Tamil Nadu Slum Clearance Board and allotted to the grand father of the parties by name Jayaram.

3. According to the petitioners/defendants, the plaintiffs have fraudulently got the allotment and on the basis of the same, have instituted the suit.

4. Admittedly, the allotment in favour of the petitioners/defendants has not been challenged till date. In a suit filed by the respondents/plaintiffs, the plaintiff being *dominus-litis*, it is not for the defendants to dictate as to which party against whom the plaintiffs should seek relief or even the nature of the relief sought for in the suit.

5. Though the learned counsel for the petitioners submits that even the written statement has not been filed and the petitioners intend to file a counter claim along with the written statement, considering the fact that the suit has



been filed in the year 2022, the pendency of the impleading application did not prevent the petitioners from filing the written statement which ought to have been filed within ninety days, even according to the Civil Procedure Code.

6. It is also brought to my notice by the learned counsel for the respondents that since there is no stay in the revision, the trial court proceeded the matter and for non-filing of the written statement, the petitioners were set exparte and the petitioners filed an application to set aside the exparte decree along with written statement. Even at that stage, counter claim has not been filed.

7. In view of the above, I do not see how the proposed party is going to add any value to the suit, especially to adjudicate the issues that arise for consideration as to whether the plaintiffs are the owners of “A” schedule property and whether they are entitled for recovery of possession.

8. I do not find any infirmity in the order passed by the trial court in dismissing the application, warranting interference.



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P.B.BALAJI.,J

sr

9. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14-11-2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr

To

The VI Assistant Judge, City Civil Court, Chennai

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