

C.M.P.No.1846 of 2016

in

A.S.No.11 of 1995

S.VIMALA, J.

This application has been filed to implead the petitioner, namely, C.Dhanapal as proposed party and rank him as 13th respondent in the Appeal in A.S.No.11 of 1995.

2. In the supporting affidavit, the petitioner has stated that he is the devotee, the Accountant and Supervisor of the Kongu Vellalar Community devotees. The devotees are stated to be residing in and around Padaiveedu Village and 11 other villages. In para-12 of the affidavit, he has also stated that he is the devotee of the Temple and he is interested in protecting the assets of the Temple and only if he is impleaded, he will be able to safeguard the incomes from the assets of the temple and the income can be utilized for the up keep and maintenance of the temple.

3. If this ground is accepted, then each and every person can very well say that they are very interested in the welfare of the Temple and if they seek impleadment on that ground, one after the other, the proceedings can never be brought to an end.

S.VIMALA, J.

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4. The learned counsel appearing for the appellant relied upon the decision reported in ***AIR 1997 Madras 378 (Devaki vs. Hindu Religious and Charitable Endowments Department, Madras and others)***, wherein, it has been held that when the parties were not directly or legally interested in the action, which is demonstrated by the fact of their failure to get themselves impleaded as parties in the Trial Court, they cannot be impleaded at a later stage.

5. Going by the decision relied upon by the learned counsel for the respondent, it is clear that it is not necessary to implead the petitioner at this stage. Hence, this impleading petition is dismissed.

16.03.2016

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