

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.No.49 of 2016
and
CMP.No.4386 of 2016

1.P.T.K.Somasundara Chettiar
2.Kalavathi .. Appellants /Plaintiffs

vs

1.P.T.Muthukumarasamy Chettiar
2.P.T.Selvaraj Chettiar
3.P.T.Kasiviswanatha Chettiar
4.A.T.Balakrishnan
5.A.T.Devarajan
6.A.T.Krishnamurthy
7.L.Saraswathi Ammal
8.Radha Rukmani
9.S.Muthulakshmi
10.D.Selvaraj
11.S.Manikandan
12.G.Padmavathi
13.J.Jayalakshmi
14.M.Gowri
15.Ramesh Kumar M.Jain
16.Manju Bai
17.Praveen Kumar .. Respondents/Defendents

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order made in Application No.1773 of 2011 in C.S.No.1010 of 2010, dated 13.07.2015 Application praying that the court be pleased to implead the proposed Defendants/Respondents 4 to 14 in the Suit to make them as party Defendants/Respondents 4 to 17.

For Appellants .. Mr.V.Manohar
For Respondents .. Mrs.Chitra Sampath
Senior Counsel for
M/s.T.S.Baskaran

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

On hearing the learned counsel for parties at length, the learned counsel for the appellants states that his apprehension is that the impugned order sets the clock back to the stage prior to the preliminary decree and the matter may get prolonged, as has happened in the past.

2. On the other hand, the learned Senior Counsel for the respondents states that the fundamental issue arises from the extent of share of the parties in the suit as there was an endeavour to exclude the entitled persons. The third party purchasers have come into the picture, who have purchased those rights.

3. It is, thus, agreed that the appeal be disposed of on the following agreed terms:-

- (1)The defendants who have now been impleaded will file their written statement within thirty days along with all necessary documents.
- (2)The suit will be listed before the Court for framing of Issues on 28.04.2016.
- (3)The suit will then be set down for trial by the learned Single Judge and the Master will endeavour to complete the evidence as early as possible.

4. The appeal, accordingly, stands disposed of. No costs.
Consequently, CMP.No.4386 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

To

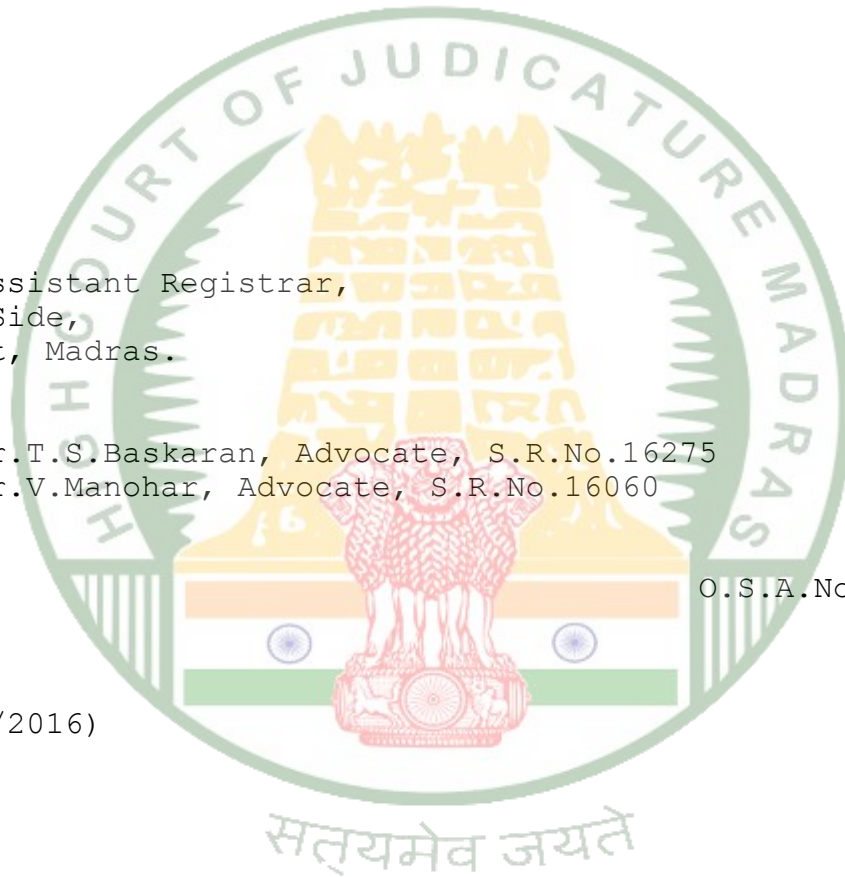
The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.16275

+1cc to Mr.V.Manohar, Advocate, S.R.No.16060

O.S.A.No.49 of 2016

kk(CO)
srg(23/03/2016)



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