

WMP.No.7463 of 2017
in W.P.No.3920 of 2017

M.SATHYANARAYANAN, J.

The learned counsel appearing for the petitioner would submit that in the light of the judgment and decree dated 31.08.1995 passed in O.S.No.694 of 1994 on the file of the II Assistant Judge, City Civil Court, Chennai, she is entitled to be impleaded as a party, to oppose the claim of the writ petitioner.

2. *Per contra*, Mr.R.Gandhi, learned Senior Counsel assisted by Mr.R.G.Narendiran, learned counsel appearing for the respondents 1 and 2 has invited the attention of this Court to the counter affidavit filed by the respondents 1 and 2 and would contend that the petitioner, who is sought to be impleaded, has no semblance of right whatsoever in respect of the property in question and she is neither a party to be impleaded in this writ petition and prays for dismissal of this petition.

3. On a perusal of the decree dated 31.08.1995 passed in O.S.No.694 of 1995 on the file of the learned II Assistant Judge, City Civil Judge, Chennai as well as the judgment and decree dated 02.12.2002 made in O.S.No.814 of 2000 on the file of the learned XV Assistant Judge, City Civil Court, Chennai, which was filed by the

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predecessor in title to the petitioner, this Court is of the view that the petitioner is a proper and necessary party to be impleaded in this writ petition.

4. Hence, this Miscellaneous Petition is ordered.

09.06.2017

Jvm

Note: Registry is directed to carryout necessary amendment in the cause title.

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It is to be pointed out that no averment whatsoever with regard to the judgment and decree dated 02.12.2002 made in O.S.No.814 of 2000 on the file of the learned XV Assistant Judge, City Civil Court, Chennai in the affidavit filed in support of this writ petition and in the considered opinion of this Court, the judgment and decree passed in the said Suit may have a bearing on the merits of the writ petition.

2. The learned counsel appearing for the respondents 1 and 2 prays for time to file counter.

Call on 16.06.2017.

B/o

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09.06.2017