



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.2088 of 2017

IN

CMA(MD) No.1350 of 2013

R.VEERAMANI

... PETITIONER/3RD PARTY/PROPOSED
7TH RESPONDENT

Vs

1 P.BASKAR

...RESPONDENT/PETITIONER

2 P.MANIVANNAN

3 P.BHOOPALAN

4 SMT.J.VASANTHA

5 ANUSAMY

6 SMT.VANAJA

7 SMT.P.KALAVATHY

... RESPONDENTS 2 to 7/RESPONDENTS 1 to 6

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to implead the petitioner as party Respondent i.e.7th Respondent in the above CMA(MD) 1350/2013.

Prayer in CMA(MD). 1350/ 2013 :

To prefer this Memorandum of Grounds of Civil Miscellaneous Appeal as against the Order and Decreetal Order dt:11/03/2013 in IA No.48/2012 in OS No.24/2011 on the file of learned 1st Addl.Sessions Judge(Protection of Civil Rights), Thanjavur.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.SRINIVASARAGAVAN, Advocate for the petitioner and of M/S.AL.GANDHIMATHI, Advocate for R1 and MR.A.JEGADEESAN, Advocate for R5 on behalf of the Respondents the court made the following order:-

This application in C.M.P.(MD)No.2088 of 2017 has been filed by the third party contending that he has purchased 3 items of properties which are the subject matter of the suit in O.S.No.24 of 2011 which has been filed for partition at instance of the first respondent against the other children of N.S.Pandaria Pillai.

2.The suit in O.S.No.24 of 2011 has been instituted by P.Baskar claiming himself to be the son of N.S.Pandaria Pillai seeking partition of his 1/15th share in the suit properties for separate possession of the share to the same. It appears that an



application in I.A.No.48 of 2012 has been filed seeking an order of temporary injunction restraining the respondents namely 1 to 6 in the said suit from alienating or encumbering the suit properties. The said application came to be dismissed by the I Additional District and Sessions Judge (PCR), Thanjavur dated 11.03.2013. Aggrieved over the same, the plaintiff in O.S.No.24 of 2011 has come forward in this appeal.

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3.The third party/the petitioner purchased certain items of properties on 14.05.2012 from Mr.Sivakumar, S/o.Maruthamuthu Mudaliar and G.Kamaraj, S/o. Govindaraj who in turn purchased the properties on 02.08.2011 from M.Sivakumar, son of P.Manivannan. The vendor under the sale deed dated 02.08.2011 happens to be the son of the 1st defendant in the suit namely P.Manivannan.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5.Considering the scope of the appeal, I do not think that the petitioner is a necessary party to the appeal. Since some of the properties have already been alienated, I do not think that the petitioner who is a purchaser is a necessary party to this appeal. Leaving it open to the petitioner to seek appropriate remedy before the trial Court, this petition is dismissed.

sd/-

15/06/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE I ADDITIONAL SESSIONS JUDGE
(PROTECTION OF CIVIL RIGHTS) THANJAVUR

+1. C.C. to M/S.G.THALAIMUTHARASU Advocate SR.No.24520
+1 cc to M/S.AL.GANDHIMATHI., Advocate SR.No. 24331

ORDER
IN
CMP (MD) No.2088 of 2017
IN
CMA (MD) No.1350 of 2013
Date :15/06/2017

SMA/RR-BS/SAR-2/21.06.2017:2P/4C

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