

**C.M.P. No. 18938 of 2019
in
C.R.P. SR. No. 78123 of 2019**

R. SURESH KUMAR, J.

The petitioner is already a party i.e., plaintiff along with the first respondent herein, who subsequently filed a suit for a preliminary decree, whereby the impugned order / preliminary decree has been ordered for 1/4th share, whereas, according to the petitioner herein, he is also one of the share holder of the property. Therefore, without impleading him and without disclosing the said factor, the Civil Court decree has been passed in this regard. Since the said suit has been filed and preliminary decree has been obtained, it becomes necessitated for the present petitioner to assail the said order under Article 227 of the Constitution of India and therefore, he seeks indulgence of this Court to grant leave to the petitioner.

2. Having satisfied with the said reasoning given by the petitioner and after hearing the learned counsel for the petitioner, this Court is inclined to accept the case and leave is granted.

05.09.2019

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