

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE N. SESHASAYEE

CMP Nos.4521 and 4522 of 2017

IN SA.NO.1178 OF 2005

SETHURAMAN (DIED)

1 MR.MUTHAZHAGAN [1ST PETITIONER IN CMP Nos.4521,4522/2017]
IN SA.NO.1178 OF 2005

2 MRS.MADHURAMBAL [2 TO 10 PETITIONERS IN CMP.NO.4521/2017]

3 MRS. MALARMANAM

4 MRS. MALADEVI

5 MS. SIVAGANGAI

6 MR. RAVANAN

7 MRS. BAKKIYALAKSHMI

8 MRS. GOWRI

9 MRS. PADMANABAN

10 MRS. VENNILA

सत्यमेव जयते
vs

1 ARULSAMY [1 TO 6 RESPONDENTS IN BOTH THE PETITIONS]

2 ANDAVAN

3 SIVAMALAI

4 JOTHI,

5 TAMILSELVI,

6 KALAISELVI

R.NEDUNCHEZHIAN [RESPONDENT IN CMP No.4522/2017]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to bring the petitioner 2 and 10 on record as the legal representatives of the deceased 1st appellant namely Sethuraman in the above S.A. No. 1178 of 2005 and array them as the Appellant 3 to 10 in the above IN CMP.NO.4521 OF 2017 AND;

(II) To implead the proposed 7th respondent herein as 7th respondent the above second appeal and pass such further or other orders as this honourable court may deem it and proper in the circumstances of the case IN CMP.NO.4522 OF 2017 Respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.A.GOWTHAMAN, Advocate for the petitioner in both the petitions the court made the following order:-

These miscellaneous petitions are filed by the second appellant. CMP.No.4521 of 2017 was filed to implead to the legal representative of the deceased first appellant and CMP.No.4522 of 2017 too was filed to implead the proposed respondent as seventh respondent in the second appeal.

2.1 The defendants 1 and 2 are the appellants herein. The first appellant is now dead. According to the learned counsel for the appellants, the suit was laid against the appellants for declaration of title, that the first defendant in his written statement had disclosed that the suit property had been settled by him in favour of his son, the second defendant. Even according to the first defendant, he did not have title to contest the suit. It was based on the statement of the first defendant, the second defendant himself came to be impleaded by the plaintiff. Since the first defendant is now dead and it is the second defendant, the son of the deceased first appellant, who has to contest the suit and sustain the appeal, there is no need to bring on record the other representatives of the deceased first appellant in CMP.No.4521 of 2017.

2.2. In so far as CMP.No.4522 of 2017 is concerned, it is filed to implead the proposed seventh respondent as seventh respondent in the second appeal. According to the learned counsel, pending second appeal before this Court, the respondents had executed a registered sale deed dated 22.08.2012, concerning the suit scheduled property in favour of the proposed seventh respondent, who now claims right over the property. It is also submitted that the proposed respondent has not taken possession of the suit property. In this circumstances, the said sale deed is not binding on the proposed respondent. Hence, both these miscellaneous petitions are not necessary to be entertained by this Court. The learned counsel has also made necessary endorsements in both the petitions, in not pressing the above applications.

3. Accordingly, both these miscellaneous petitions are dismissed.

Post the second appeal on 15.07.2019.

-sd/-
08/07/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF
AT JEYANKONDAM

2 THE SUBORDINATE JUDGE
AT ARIYALUR

C.C. to M/S.A.GOWTHAMAN, Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
CMP.Nos.4521,4522/2017

Date :08/07/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (11/07/2019)

सत्यमेव जयते

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