

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

SA. No.605 of 2020

and CMP No.12805 of 2020

M/s.Kovai Medical Centre and Hospital Limited,
Registered and constituted under the Indian Companies Act,
Avinashi Road, Coimbatore 641 014. ..Appellant/Appellant/
5th Defendant

Vs.

1. Kanagaraj
2. K.Manoharan
3. Prema

Rajammal (died)

Krishnasamy (died)

4. K.N.Selvaraj

K.N.Asokan (died)

5. Kanagamani
6. Sudamani
7. Suresh
8. Shanthi
9. Jamuna
10. Prabhu

..Respondents

PRAYER: Second Appeal filed under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree dated 27.02.2020 made in A.S.No.43/2017 on the file of IV Additional District and Sessions Judge, Coimbatore confirming the judgment and decree dated 30.01.2017 made in O.S.No. 403/1999 on the file of First Additional Sub ordinate Judge Coimbatore.

For Appellant : Mr.S.Mukunth
for M/s.Sarvabhauman Associates

J U D G M E N T

This matter is taken up for hearing through Video-Conferencing.

The main contention of the learned counsel appearing for the appellant is that despite a plea having been raised that the appellant is not the purchaser and it is some other entity that had purchased the suit property, the plaintiffs have not chosen to implead the proper party. Even according to the appellant, it is an unnecessary party to the suit. Therefore the appellant cannot be deemed to be an aggrieved person to canvas the correctness of the decree passed by the Courts below.

2. Hence the Second Appeal is dismissed as not maintainable at the instance of the appellant. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jv
To

1. The IV Additional District and Sessions Judge,
Coimbatore.
2. The First Additional Subordinate Judge,
Coimbatore.

+1 cc to M/s.Sarvabhauman Associates sr37871

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