

C.M.P.No.5240 of 2016
in
S.A.No.635 of 2008

P.T.ASHA, J.

The above petition is filed for impleading the 11th respondent as the proposed 2nd appellant in the above Second Appeal.

2. The contentions set out in the affidavit filed in support of the petition are as follows:

The petitioner had filed the suit for specific performance against the appellant and the legal heirs of deceased N. Chinnamal as per the Sale Agreement dated 19.12.1992 in O.S.No.1374 of 1995 on the file of the Principal Subordinate Judge, Coimbatore. The suit was dismissed by the Trial Court by judgment and decree dated 20.07.2004. After the dismissal of the suit, it appears that the first respondent appellant had settled the schedule property in favour of her son, the proposed 11th respondent/proposed 2nd appellant vide a registered sale deed dated 19.08.2004. The appellant had challenged the judgment and decree in O.S.No.1374 of 1995 by filing A.S.No.148 of 2004 on the file of the Principal District Court, Coimbatore. The decree of the Trial Court was reversed by judgment and decree dated 24.09.2007. Though the settlement had taken place as early as on 19.08.2004 immediately after the judgment in O.S.No.1374 of 1995 the petitioner had not taken any steps to implead the 11th respondent as a party respondent in the first appeal and now when the Second Appeal is

P.T.ASHA, J.

mrn

ready for arguments the present application is taken out.

3. I do not find any merits in the said petition and the C.M.P. is dismissed.

4. Post the Second Appeal for arguments on 30.06.2021.

16.06.2021

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