

CMP Nos. 10538 and 10552 of 2020
in A.S.No.394 of 2018

G.K.ILANTHIRAIYAN, J.

The petitioner is the plaintiff. She filed a suit as against the respondents 1 to 3 herein for partition and the same was decreed by Judgment and Decree dated 26.07.2017. Aggrieved by the same, the first respondent herein preferred this appeal suit.

2. At the time of hearing, the petitioner/plaintiff had knowledge about the settlement deed executed by the first respondent herein in favour of her daughters i.e., 4th and 5th respondents herein by a Settlement Deed dated 12.07.2010. Immediately, she obtained a certified copy of the settlement deed and encumbrance certificate in respect of the suit property. The above said facts were completely suppressed by the first respondent and written statement was filed before the Trial Court. Only now the petitioner/plaintiff came to know about the settlement deed. Therefore, the 4th and 5th respondents are necessary parties to the appeal suit and documents which are sought to be received as additional documents i.e., the encumbrance certificate and settlement deed are necessary documents.

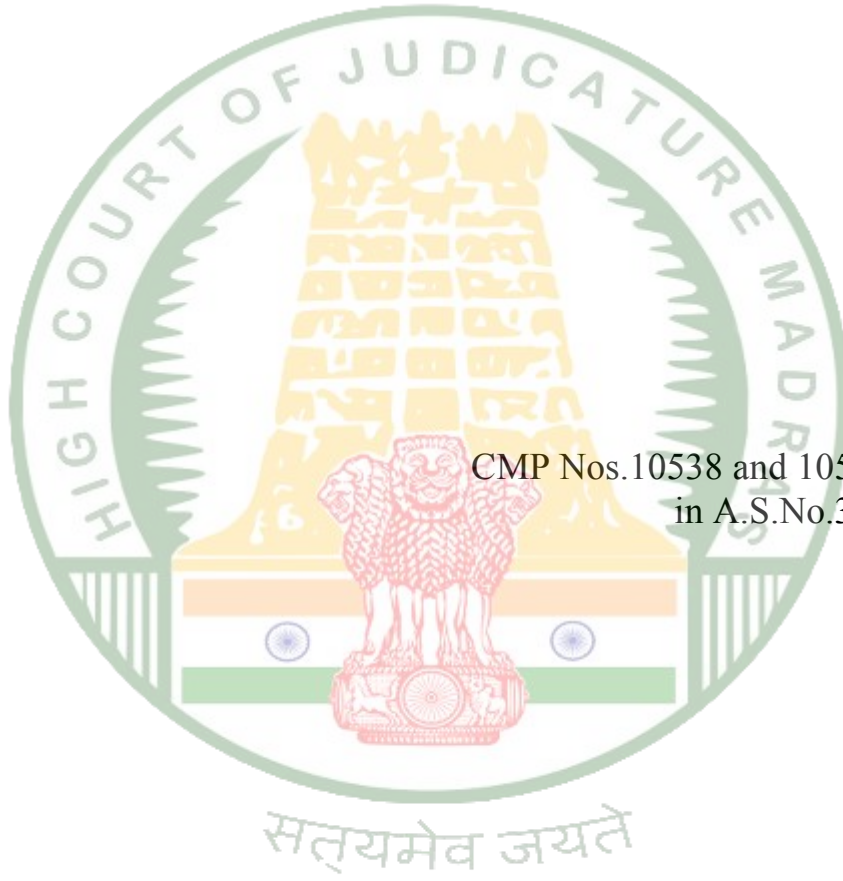
3. Considering the above, both the applications are allowed and Registry is directed to carryout the necessary amendment in the cause title and to mark the documents viz., the encumbrance certificate and settlement deed as Ex.A.10 and Ex.A.11 respectively.

05.07.2021

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