

WMP.No. 17389 of 2021
in
W.P.No. 13606 of 2021
C.V.KARTHIKEYAN, J.

After hearing relevant parties, I am of the opinion that the present petitioner who filed the present Miscellaneous Petition is necessary party to the writ petition. Therefore, the petition is allowed and the petitioner herein namely Azhagusambasivam is to be impleaded as 4th respondent in the writ petition.

2. Short facts which lead me to such particular decision is that there was a suit pending in O.S.No. 31/2005 which was a suit for partition in which a preliminary decree was passed on 20.08.2011. The matter went up to the Hon'ble Supreme Court and finally as against the final decree, A.S.No. 887 of 2019 had been filed and is now pending before the Hon'ble Division Bench of this Court and in CMP.No. 2883/2019 the judgment and decree in O.S.No. 31/2005 had been stayed. It is the contention of the learned counsel for the petitioner that survey numbers in the settlement deed which were presented for registration are not directly or indirectly involved in the schedule mentioned in O.S.No. 31/2005. However, this contention is disputed by the learned counsel for the newly impleaded respondent herein. That is an issue which has to be examined further. Therefore, it would only be appropriate to WMP.No. 17389/2021 is allowed and the said petitioner herein is impleaded as 4th respondent in the writ petition.

C.V.KARTHIKEYAN, J.

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3. Registry may carryout necessary amendments to implead the said petitioner herein/Azhagusambasivam as 4th respondent in the cause title in the writ petition.

4. Call the matter once again after complying with the said directions on 17.09.2021.

16.08.2021

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