

C.M.P.No.22761 of 2019

in

A.S.No.237 of 1994

G.JAYACHANDRAN, J.

Mr.K.Parthiban, the petitioner in C.M.P.No.22761 of 2019 and the appellant in A.S.No.237 of 1994 is present before this Court and requested time to engage a new counsel, since he has obtained change of vakalat from his counsel Mr.S.Arun Kumar.

2. Notes paper reveals that, notice to the proposed respondents 2 and 3 not yet served. Perusal of the implead petition indicates that, the petitioner wants to implead the Secretary to Government, Department of Transport and Managing Director, State Express Transport Corporation as respondents to establish before this Court that the petitioner's brother late Kannan is not the father of the 1st respondent Shanthi and when he has given a representation to the proposed respondents 2 and 3 under RTI seeking to furnish information pertaining to late Kannan such as name of the wife and the nominee as per service records, the proposed respondents refused to furnish the said information vide letter dated 30.07.2019 bearing No.24965/C2/SETCTN/2016 stating that the information sought will not be provided to any other third party than legal heirs. So to get that information, the present petition is filed to

implead the proposed respondents 2 and 3 in the first appeal.

3. The perusal of the affidavit and the reason stated to implead the proposed respondents 2 and 3 does not appear to be consonance with law and procedure. The suit is of the year 1987 and if the appellant herein wants to establish or disestablish the paternity of the 1st respondent, he should have adduced the evidence at the earliest and if he has stumbled upon any evidence, it can be placed before the Court with appropriate petition for due consideration.

4. For the said purpose, it is unnecessary to implead the erstwhile employer of the deceased Kannan in the Appeal. Since this Court finds no merit in the implead petition, ***C.M.P.No.22761 of 2019 is dismissed.***

5. At the request of the appellant, main appeal is adjourned to 23.02.2021.

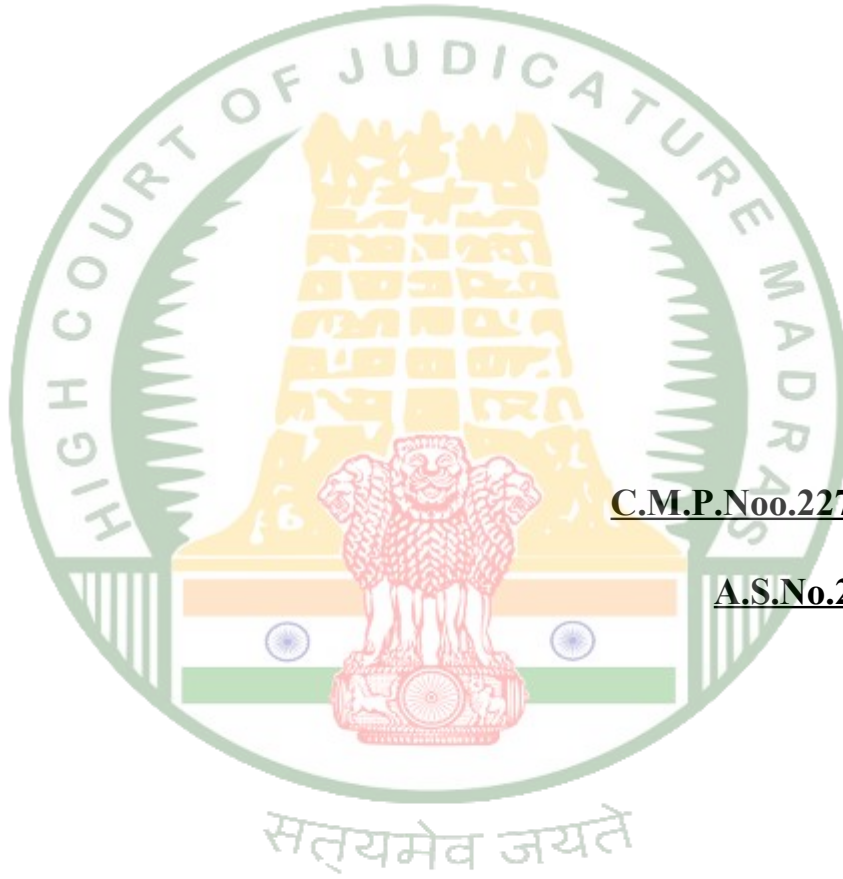
02.02.2021

rpl

C.M.P.No.22761 of 2019
in A.S.No.237 of 1994

G.JAYACHANDRAN, J.

rpl



C.M.P.No.22761 of 2019
in
A.S.No.237 of 1994

WEB COPY

02.02.2021