



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Monday, the Twenty Sixth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

C.M.P. (MD) .No.3274 of 2021  
in  
S.A. (MD) .No.532 of 2014

PARAMASIVAM

... PETITIONER/PROPOSED 4TH RESPONDENT

Vs

1 N.K.ADAIKAN

2 A.RASU

3 A.ADAIKALAM

4 N.K.KOTTAIYAN

5 K.ADAIKAN

...RESPONDENTS/APPELLANTS

... RESPONDENTS/1 TO 3 RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Implead the Petitioner / Proposed 4<sup>th</sup> Respondent as a 4<sup>th</sup> Respondent in the main Second Appeal in S.A.No.532 of 2014, pending on the file of this Honourable Court.

Prayer in SA(MD) . 532 of 2014 :

To set aside the judgment and Decree dated 30.07.2013 made in A.S. No.13 of 2009 on the file of the Subordinate Judge, Pudukkottai reversing the Judgment and decree dated 25.09.2008 made in O.S. No.77 of 1998 on the file of the District Munsif cum Judicial Magistrate, Thirumayam and allow the Second Appeal.

ORDER :This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.AYYANAR PREM KUMAR, Advocate for the petitioner, the court made the following order:-

This civil miscellaneous petition has been filed by the petitioner for getting himself impleaded in the second appeal. The petitioner is a third party, the suit was filed by one Adaikalam/3<sup>rd</sup> respondent herein against the other respondents. The suit was one for injunction, the suit was originally disposed by the trial Court but, allowed by the first appellate Court. Challenging the same, the defendant filed this second appeal.



2. The grievance of the petitioner is that he is the actual title holder, who is in possession of the property and therefore he wants to implead himself in the second appeal.

3. I am not inclined to allow this civil miscellaneous petition since the suit is one for permanent injunction. The decree obtained by the plaintiff against the defendants cannot in any way have bearing on the rights of the petitioner herein. The out come of this second appeal will not affect the petitioner in any way. It is for the petitioner to establish his rights independently in the manner known to law, if his rights are in any way infringed by any of the respondents.

4. With the aforesaid clarification, this civil miscellaneous petition is dismissed.

Sd/-  
26/07/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE SUBORDINATE JUDGE, PUDUKKOTTAI.

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
THIRUMAYAM.

+1 CC to M/S.S.AYYANAR PREMKUMAR, Advocate ( SR-4851[I] dated 27/07/2021 )

+1 CC to M/S.NA.PALANIYANDI, Advocate ( SR-4862[I] dated 27/07/2021 )

ORDER  
IN  
C.M.P. (MD) .No.3274 of 2021  
in  
S.A. (MD) .No.532 of 2014  
Date :26/07/2021

VB/VR/SAR.II/03.08.2021/2P/5C