



A.No.3708 of 2021 in
C.S.No.724 of 2018

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P.VELMURUGAN, J.

This application has been filed by 3rd party seeking to implead themselves as defendants 5 & 6 in the above suit.

2 The learned counsel appearing for the applicants would submit that they have entered into a contract with the fourth defendant and therefore they are the necessary parties and without their presence, no effective decision can be arrived in the suit.

3 The learned counsel appearing for the respondents 2 to 4 would submit that they are the owners of the suit properties and they have entered into a contract with the builder and the dispute is between the owner and the builder. Therefore the present applicants are nothing to do with the present suit and if at all they have any grievance, that should be ventilated by way of separate suit. Now, the question before this Court in the present suit is whether the Plaintiff Temple has got declaratory title over the suit properties or not and therefore the applicants has no role in it.



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4 Heard the learned counsel on either side and perused the materials available on record.

5 The present suit has been filed for declaration of the title over the suit properties. This application has been filed seeking to implead the applicants as defendants in the suit saying that they have entered into a contract with the present defendants and they have right over the suit properties. A careful reading the averments made in the application and the counter filed, this Court finds that even though, the applicants are not necessary party, but, they are proper party. If the application is allowed and the applicants are impleaded in the present suit, no prejudice would be caused to either parties.

6 Accordingly, this application is ordered. Registry is directed to carryout necessary amendment in the plaint. Learned counsel appearing for the first respondent/plaintiff is directed to file the amended plaint.

List the matter on 09.03.2022

09.02.2022

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