



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twenty Fourth day of March Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND
The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) . No.2384 of 2022
in
AS(MD) No.6 of 2012

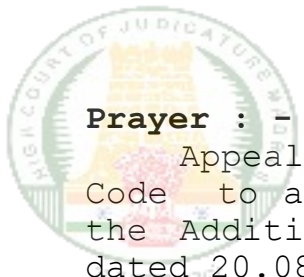
Kasthuri Ammal ... Petitioner/Third Party (Proposed Respondent)

Vs

- 1 Supreme Supreme Corporation,
By its Partner Brij Rathan Bagari No. 33
Venkatasala Muthali Theru Chennai - 3.
- 2 R.R. Bagari
- 3 Gushal Bagari ... Respondent 1- 3/Appellants 1 - 3
Kathiresan (Died) ... / Respondent No.1
- 4 Ismail
- 5 Roshan Banu Lalitha ... Respondent 4 and 5/ Respondents 2 & 3
- 6 K. Kasilingam
- 7 K. Palselvi
- 8 Tamilselvi
- 9 M. Rajagani
- 10 V. Santhi
- 11 K. Nehru Prakash ... Respondents 6 to 11 /
Proposed Respondents 4 to 9

Prayer :- CMP(MD) . No.2384 of 2022

Civil Miscellaneous Petition is filed under order 1 Rule 10(2) of CPC to implead the petitioner as respondent in the above Appeal suit in A.S. (MD). No. 6 of 2012 on the file of this Honourable Court and thus render justice.



Prayer : - AS (MD)No. 6 of 2012

Appeal suit is filed under section 96 of the Civil Procedure Code to allow the appeal and set aside the Judgment and Decree of the Additional District Judge, Fast Track Court No.I Thoothukudi dated 20.08.2011 in O.S.No.43 of 2008 and thus render justice.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Kannan Advocate for the Petitioner and of Mr.P.Jaya Prakash Narayanan Advocate for the first Respondent and Mr.M.Saravanan, Advocate for the third respondent and M/S.R.Ponkarthikeyan for the respondents 8 to 11, this Court made the following order:

The petitioner seeks impleading in the Appeal Suit.

2. The appeal arises out of a suit for Specific Performance. The petitioner sets up an independent title, adverse to that of the parties to the suit.

3. In **Kasturi Vs. Ayyamperumal and others** reported in **2005 (6) SCC - 733**, the Hon'ble Supreme Court has held that such a person, who sets up an independent title as against the parties to the suit for specific performance cannot be impleaded in a suit for specific performance, as the Court is not expected to go into the question of title in a suit for specific performance. Hence, this Civil Miscellaneous Petition is dismissed. It is open to the petitioner to defend her title in the manner known to law and this compromise will not stand in the way.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

+ 1 C C to Mr.Jayaprakash Narayanan Advocate CD.Sr.No10617/2022
ORDER DATED : 24/03/2022

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ORDER

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CMP(MD) . No.2384 of 2022

in

AS(MD)No.6 of 2012

Giving direction and etc.
as stated within.