



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

Wednesday, the Third day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.6833 of 2022

IN

AS No.10 of 1995

V.LAKSHMANAN

... PETITIONER/6TH RESPONDENT

Vs

1 J.SENTHILVEL

... 1ST RESPONDENT/APPELLANT

2 VISALAKSHMI

3 VAIRAVAN

4 JOTHIMANI

5 RAJALAKSHMI

6 MINOR.RAJAMANICKAM

(REP.BY HIS BROTHER AND GUARDIAN
AND LITEM THE 3RD RESPONDENT
VAIRAVAN)

... RESPONDENTS 2 TO 6
/RESPONDENTS 2 TO 5

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 as the 6th Respondent in the above Appeal Suit.

Prayer in AS No.10 of 1995 :

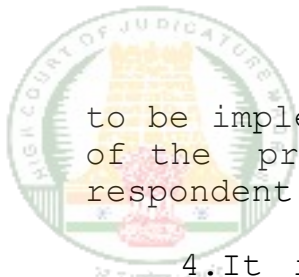
To present this Memorandum of grounds of Regular Appeal to this Honourable Court, against the Judgement and Decree made in O.S.No.22 of 1986 on the file of Sub Ordinate Judge, Devakottai, dated 08.03.1994.

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.SELVA ADITYA, Advocate for the petitioner and of MR.G.SRIDHARAN, Advocate on behalf of the Respondents, the court made the following order:-

This Petition is filed by the Petitioner/third party to implead himself as sixth respondent in the above appeal suit.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The main contention of the learned counsel for the Petitioner is that after passing of the decree in the suit, he had purchased the property from the third respondent herein and therefore, he has



to be impleaded in the appeal suit, since he is in possession of the properties pursuant to the sale deed executed by the third respondent.

4.It is settled proposition of law that a third party, who purchased the properties from his vendor, would not have any independent stand in the appeal suit. It is settled proposition of law in the civil suit, it has to be decided based only on the pleadings and material evidence. Therefore, the subsequent purchaser /third party would not have any independent right to proceed with the appeal suit. He is neither a necessary party nor a proper party in the appeal suit. His presence is not necessary in this appeal suit and without his presence, this Court can deliver an effective judgment in the main appeal suit.

5.Therefore, in these circumstances, this Court is of the considered view that the presence of the Petitioner herein/third party, is not necessary in the present appeal suit. Hence, this Petition stands dismissed.

6.List the appeal suit for hearing on 11.08.2022.

sd/-

03/08/2022

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/08/2022

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

TO

THE SUBORDINATE JUDGE, DEVAKOTTAI.

ORDER

IN

CMP(MD) No.6833 of 2022

IN

AS No.10 of 1995

Date :03/08/2022

vsn

RS/JM/SAR.4 (05.08.2022) 2P-2C