



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

Friday, the First day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice **P.VELMURUGAN**

CMP(MD) No.11493 of 2016
IN
AS(MD) No.77 of 2013

P.M.KUMARARAJAN (DIED)

1 K.VANAJA

2 SHANTHI

3 SUGANTHI

4 MALA

5 K.V.KARTHICK

... PETITIONERS/APPELLANTS

Vs

1 P.M.MUTHIAH

2 P.K.MUTHUKUMARASAMY

3 P.K.SENTHILNATHAN

4 P.K.MURUGESAN DURAI

5 SHANTHANAYAGI

...RESPONDENT 1 TO 5/RESPONDENTS

6 P.M.MUTHUSUBRAMANIAN

7 MUTHUSABARISH

8 SITHESWAR

9 MUTHUMEENAKSHI

10 ANUJA

11 NIRANJANA

12 N.PERIASAMY



13 C.MOOKKAN

14 K.RANI

15 C.CHINNAIAH

16 M.KAADAMMAL

17 M.PONNAMMAL

18 POONKOTHA

19 P.MEENAKSHISUNDARAM

20 LOGAMMAL

21 V.RASU

22 V.VELLAICHAMY

... RESPONDENT 6-17/
PROPOSED 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 proposed parties / respondents 6 to 22 by ranking them as respondents 6 to 22 in the above appeal suit.

PRAYER IN AS(MD) No.77 of 2013:

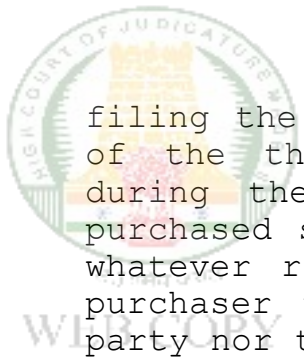
To set aside the decree and the judgment dated 04.10.2012 rendered in O.S.No.103 of 2005 on the file of the IV Additional District Judge, Madurai, by allowing this First Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case.

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.G.ARAVINTHAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to implead the proposed respondents 6 to 22 as respondents in the above appeal.

2. The learned counsel for the petitioners submitted that after contesting the suit and before filing the appeal suit, some of the properties have been sold. This is a suit for partition claiming as a joint family property. He has further stated that some of the coparceners sold the properties to the third parties viz., proposed respondents. Therefore, they have to be impleaded in the suit as a necessary party. Hence, this petition has been filed.

3. A reading of the materials, it is seen that this is a suit for partition. Admittedly, after contesting the suit and before



filing the appeal, some of the properties have been sold to or of the third party/proposed respondents. This Court finds that during the *lis pendens*, the proposed respondents said to have purchased some of the properties from some of the co-parcenors and whatever right the vendor has got, the same right the subsequent purchaser would get. The proposed parties are neither necessary party nor their presence is required and without their presence even the Court can take an effective decision.

4. In such circumstances, this Court does not find any merit in this petition. Accordingly, the impleading petition is dismissed.

sd/-
01/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.

COPY TO

1. THE SUB ASSISTANT REGISTRAR (AE),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.11493 of 2016
IN
AS (MD) No.77 of 2013
Date : 01/07/2022

RK/SVR/SAR-III/12.07.2022 : 3P/4C