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CMP.No.2837 of 2022

CMP.No.2837 of 2022
and
SA.No.32 of 2018

S.SOUNTHAR, J.

This petition has been filed seeking to implead the fourth petitioner herein as proposed fourth appellant in the Second Appeal. In the affidavit filed in support of this application it is stated that the first appellant Pazhanisamy died leaving behind the petitioners and the respondents as his legal representatives and the said Pazhanisamy is said to have executed a settlement deed on 13.09.2013 settling item Nos.2, 3, 4, 10, 11, 12 and 13 suit property in favour of the fourth petitioner herein. Therefore, the fourth petitioner wants to come on record as fourth appellant in the main Second Appeal.

2. The respondents herein filed a counter and opposed this application on the ground that the suit properties are the ancestral properties and hence, Pazhanisamy had no right to execute a settlement deed in respect of ancestral properties. This Court, without giving any finding with regard to the



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validity and binding nature of the settlement deed relied by the petitioners, is inclined to allow this application, as petitioner is one of the legal heirs of Pazhanisamy in her capacity as a daughter. Accordingly, this Civil Miscellaneous Petition is allowed and the fourth petitioner is brought on record as fourth appellant.

3. The Registry is directed to carryout necessary amendment and list the Second Appeal for final disposal on 01.12.2023.

21.11.2023

dna



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