



WEB COPY



CMP Nos.5832 and 5836 of 2023
in WA No.SR 146373 of 2022

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THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The application in CMP No.5836 of 2023 is filed for leave to appeal.

2. Heard Mr.R.Bharath Kumar, learned counsel for the applicant, Ms.R.Poornima, learned counsel for respondent Nos.1 and 3 and Mr.P.Muthukumar, learned State Government Pleader, for respondent Nos.4 and 5.

3. It is contention of the learned counsel for the applicant that the applicant was not a party to the writ petition nor his predecessor-in-title was a party to the writ petition. Ramesh, who was the original respondent No.3 had already divested his right in the year 2007 in favour of a third person and thereafter, two transactions had taken



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place. The petitioner is a purchaser of the writ property in the year 2015.

4. The learned counsel for the original writ petitioners submits that the applicant is a purchaser *pendente lite*. The patta was transferred in the name of Ramesh, as such, Ramesh was made a party. He never disclosed that he had sold the property to a third person. The civil suit is pending. In the civil suit, the persons to whom the property is sold are made parties now.

5. We have considered the submissions. It appears that Ramesh has already executed a sale deed in the year 2007. As such, when the writ was filed in the year 2011, he did not have any interest in the property. The right, title and interest was already divested by him. The person to whom the property was sold in the year 2007 was also not made a party to the writ petition. The property changed hands twice thereafter. The subsequent purchasers were not parties to the writ petition.



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6. It appears that the applicant has made out a case for grant of leave to file appeal. Certainly, the merits of the contentions will have to be considered while dealing with the appeal.

7. In light of that, the present application, CMP No.5836 of 2023 for leave to file appeal is allowed.

In view of the above, the application in CMP No.5832 of 2023 to accept the cause-title does not survive and stands disposed of accordingly.

(S.V.G., CJ.)

(P.D.A., J.)

21.08.2023

sra



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