



WEB COPY



CMP.No.6412 of 2023
in AS.No.505 of 2011

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S.S.SUNDAR, J.
and
P.B.BALAJI, J.

(Order of the Court was made by S.S.SUNDAR, J)

This application is filed to implead the petitioner as eight respondent in AS.No.505 of 2011.

2. A.S.No.505 of 2001 is filed by the defendants 2 and 3 in the suit in OS.No.107 of 1994 as against the judgment and decree declaring the plaintiff's title to the suit properties and for a consequential permanent injunction restraining the appellants in the appeal in anyway interfering with the peaceful possession and enjoyment of the properties by the plaintiff.

3. The petitioner is a third party to the suit and also the appeal. The petitioner earlier filed a similar application in the connected appeal in AS.No.569 of 1999. The petitioner is a Company which had purchased an



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extent of about 30 acres from one D.K.Sekar under the sale deed dated 23.04.2001. Since the petitioner is not claiming under anyone of the parties to the litigation, this Court held that the judgment and decree in the suit in which the petitioner or his vendor is not a party is not binding on the parties. It is then stated that the scope of litigation cannot be enlarged in an appeal by impleading a party, who may have an independent cause of action, to claim a right, but does not claim under anyone of the parties to the litigation. On the said reason the petitioner's earlier application in CMP.No.39 of 2015 in AS.No.569 of 1999 was dismissed, which is applicable to this petition also. It is further held that it is open to the petitioner to establish his independent right by filing a separate suit.

4. In view of the above, the petitioner cannot be allowed to get himself impleaded to decide his independent title on the basis of the sale deeds in a *lis* which is not connected with the claim of the petitioner's vendor or petitioner. Therefore, this petition is also liable to be dismissed. Further, since the petitioner already filed an application and got an order in CMP.No.39 of 2015 in AS.No.569 of 1999, this Court finds that the petitioner has filed this application with ulterior motive. Hence, this petition



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is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) payable
to the Tamil Nadu State Legal Service Authority, High Court Building,
Chennai.

(S.S.S.R.J.,) (P.B.B.J.,)
20.03.2023

pvs



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