



A.No.1923 of 2023
in C.S.No.346 of 2020

K.KUMARESH BABU,J.

This Application has been file to implead the proposed 6th respondent as the 6th defendant/ respondent in the main suit.

2.It is seen from the plaint pleadings that the 1st defendant had entered into an agreement with the plaintiff for joint development of the Schedule 'A' property, wherein, the plaintiff was to be allotted 1st floor and also a flat in the Schedule 'B' property bearing Flat No.S-1. The plaintiff had been put in possession of the said flat in Schedule 'B' of the property. While that being so, the proposed 6th respondent by a legal notice dated 20.09.2022 had called upon the 1st and 2nd defendants to pay a sum of Rs. 85,60,000/- indicating that the property in Schedule 'C' to the said notice was mortgaged by the 1st defendant in his favour. However, by further notice of the proposed 6th respondent dated 12.12.2022 to the 1st and 2nd defendants, have indicated that Schedule 'B' property in the plaint, it had also been given a general Power of Attorney to deal with the property of 1105 sq.ft of undivided share which was mentioned as Schedule 'B' to his notice dated 20.09.2022 and that the mortgage had been executed in respect of the flat bearing No.F3 in the 1st floor. He had also indicated in the said notice that another flat bearing Flat No.S-1 which is in Schedule 'B' property in the suit would be sold invoking the general Power of Attorney for the recovery of sum of Rs.87,40,000/-.



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3.In such circumstances, the proposed 6th respondent is a necessary party to the suit. Hence, the application seeking for implead is ordered and the proposed 6th respondent is impleaded as the 6th defendant/ respondent in the suit.

4.Learned counsel for the applicant/ plaintiff is directed to carry out necessary amendment to the long and short cause title of the suit. Learned counsel for the plaintiff is further directed to serve copies of the plaint and the relevant documents to the learned counsel who had represented on behalf of the proposed 6th defendant so as to enable him to file his written statement.

21.04.2023

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