



CMP.No.12405 of 2023 in S.A.No.138 of 2018

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S.SOUNTHAR

The petitioner/appellant preferred this second appeal, challenging the judgment and decree passed in A.S.No.254 of 2016, reversing the judgment and decree passed by the trial Court granting a decree for declaration of title and injunction in favour of the appellant. Therefore, the second appeal is arising out of the suit for declaration of title and injunction filed by the appellant. The first respondent appeared to have acquired portion of suit property pending second appeal. Therefore, the presence of first respondent is not at all required for disposal of the second appeal. As far as the second respondent is concerned, the petitioner has stated in his affidavit that the second respondent had raided the premises of the respondents and attached the certain properties of the respondent. The proceedings initiated by the second respondent is unconnected with the issues involved in this suit.

2. It is also stated by the learned counsel appearing for the respondents that the FIR filed by the second respondent was already quashed by this Court in CrI.O.P.Nos.15716, 15717, 24431 of 2017 and 8609 of 2019, dated 16.08.2023.



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S.SOUNTHAR, J.

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3. In such circumstances, the presence of second respondent is also not required for deciding the controversy in this second appeal. Therefore, the impleading petition is dismissed.

08.11.2023
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