



C.M.P.No.17693 of 2021

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in

S.A.No.378 of 2007

P.T.ASHA, J.,

The above petition is filed for impleading the petitioner as the 7th respondent in S.A.No.378 of 2007. The suit which is the subject matter of the Second Appeal is a partition suit filed by the deceased 1st respondent herein. The suit had been filed contending that when the 1st respondent was a minor the 1st defendant, namely, the 3rd respondent herein had executed a sale deed in favour of the 2nd defendant, who is the 2nd respondent herein in respect of 35 cents. On the basis of this deed, the 2nd respondent had filed a suit in O.S.No.720 of 2000 for a declaration of his title.

2. The two suits were tried together and the suit filed by the 1st respondent herein had been decreed and the suit filed by the 2nd



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respondent was dismissed. Aggrieved by the same, the 2nd respondent had filed A.S.No.49 of 2006 before the Principal District Court, Erode. The learned Judge modified the decree against which the Second Appeal had been preferred by the 1st respondent herein.

3. The petitioner has come forward with an application to implead himself, since he has purchased 5 cents in the suit property from one Chinnammal, the 4th respondent who had got the property under a Will executed by the 3rd respondent, Rengammal in her favour. The petitioner would submit that he had come to know about the pendency of the Second Appeal only now, hence he has taken the present petition.

4. In the counter filed by the 1st respondent / appellant it is contended that the contentions of the petitioner that he had come to know about the pendency of the appeal only now is absolutely false



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since the petitioner's father had been examined as D.W.3 in O.S.No.458 of 2009, which is the subject matter of this Second Appeal. That apart, the petitioner is a practising Advocate knowing the nuances of law. Therefore, by no stretch of imagination can he be stated that he is the bonafide purchaser of value.

5. Heard the learned counsels and perused the records.

6. The petitioner, no doubt is a pendente lite purchaser in respect of portion of the property. The contention that the petitioner is a bonafide purchaser is also questionable since his father had taken active part in the above suit.

7. Be that as it may, in order to get holistic and comprehensive order and to avoid multiplicity of proceedings, the petition is ordered as prayed for.

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8. The Registry is directed to carry out necessary amendment.

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