



C.M.P.No. 21440 of 2023

in

S.A. No. 622 of 2010

T.V. THAMILSELVI, J.

WEB COPY

This Civil Miscellaneous Petition has been filed seeking seeking to implead the petitioners as proposed respondents 12 to 16 in the above Second Appeal.

2. Today, when the matter came up for hearing, Mr.G.Venkatesan, learned counsel appearing for petitioner/appellant would submit that after passing of the decree dated 29.08.2008, there were certain alienations have been taken place with respect to suit schedule properties in order to deprive the right of petitioner and also his right over the properties, which he is legally entitled to. So, in view of Sec.52 of Transfer of Property Act and any encumbrances made so far are subject to any adjudications rendered by this court. Therefore, in order to avoid further alienation and encumbrance and also to avoid further creation of third party interest over the suit schedule properties, the proposed respondents 12 to 16 are necessary parties to the above Second Appeal. Unless they are impleaded as respondents 12 to 16 in the above Second Appeal, the appellant would be greatly prejudiced. Accordingly, he filed the above petition and also filed additional typed set of papers.



WEB COPY

3. Mr.S.Kaithamalai Kumaran, learned counsel for respondents 1, 3 and 6 to 11 and Mr.R.Sekaran, learned counsel for 2nd respondent appeared and raised their formal objection in allowing this petition.

4. Considering the facts and circumstances and being satisfied with the reason stated in the affidavit seems to be justifiable one, this Court is inclined to allow this petition and to implead the proposed respondents as respondents 12 to 16 in the above Second Appeal.

5. Issue notice to the newly added respondents 12 to 16 through court returnable by 08.11.2023. Private notice is also permitted.

6. Registry is directed to carry out necessary amendment in the cause title of the above Second Appeal and post the matter on 08.11.2023.

27.09.2023

rpp



WEB COPY

3



T.V.THAMILSELVI, J.

rpp

C.M.P.No. 21440 of 2023
in
S.A. No. 622 of 2010

27.09.2023