



C.M.P.No.21328 of 2022 in W.A.SR.No.130886 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

Learned counsel appearing for the petitioner submitted that the petitioner has filed a suit in O.S.No.362 of 2010 on the file of the learned District Munsif, Mettur for declaration of the right of the plaintiff over the cart track running from S.No.179/1A to S.No.179/1N in Aranganoor Village and also for conducting poojas in the Periakkattan Swamy Temple and for permanent injunction restraining the defendants from in any way interfering with his peaceful enjoyment and/or obstructing the same and the suit was also decreed on 10.11.2014, aggrieved thereby, when an appeal in A.S.No.11 of 2015 was filed before the learned Subordinate Judge, Mettur, the said appeal was dismissed by the judgment and decree dated 14.09.2021, confirming the judgment and decree passed by the trial Court. These crucial aspects were clearly suppressed by the third respondent, without impleading the petitioner as a party in the Writ Petition No.16114 of 2022, and an order has been obtained behind his back.

2. Finding merits on his submissions, the civil miscellaneous petition is ordered granting leave as prayed for.

(T.R.,A.C.J.) (D.B.C.,J.)

23.02.2023

SS



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