



WEB COPY



CMP.No.20668 of 2022

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in AS.No.296 of 2013

S.S.SUNDAR, J.
and
P.B.BALAJI, J.

(Order of the Court was made by S.S.SUNDAR, J)

This application is filed for impleading the petitioner as one of the party to the transaction.

2. In the affidavit filed in support of the petition, it is stated that the petitioner is the son-in-law of late A.Vedhachala Naicker and he is a necessary party in the above proceedings in view of the fact that one of the property was purchased in the name of A.Vedhachala Naicker has been settled in favour of the third respondent for a consideration, which was not handed over to him. The son-in-law of A.Vedhachala Naicker has filed an additional affidavit, which is quite contradictory to the statement that he has given earlier in the affidavit.

3. Since the suit filed by the plaintiff is dismissed in entirety, this Court need not to examine the issue whether the son-in-law of



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A.Vedhachala Naicker is a necessary and proper party or not. Further, this

Court while dismissing the appeal, has given liberty to file a fresh suit either for declaration of title or for partition on the basis of the subsequent documents, which were sought to be marked as additional evidence.

Therefore, this Court is inclined to dismiss this application.

(S.S.S.R.J.) (P.B.B.J.)
13.03.2023

pvs



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