



WEB COPY



**CMP. No. 29070 of 2023
in CRP SR. No. 161839 of 2023**

T.V.THAMILSELVI, J.

This petition has been filed by the petitioner herein to filed the instant CRP challenging the impugned docket order dated 25.07.2023 in E.A No. 5 of 2023 in E.P No. 120 of 2010 in O.S No. 623 of 1981 on the file of the Principal District Munsif Coimbatore.

2. The learned counsel for the petitioner submits that during the pendency of the suit the petitioner purchased the property in T.S No. 10/1105/1B and constructed four storeyed building and enjoyed the property from the year 1996. But, the first respondent has not made the petitioner as parties in E.A No. 5 of 2023 in E.P No. 120 of 2010 in O.S No. 623 of 1981 filed an application to demolish the buildings and other existing logistics from the hands of the respondents 2 to 6. Further, she submits that while purchasing the property the petitioner was not aware about the said suit proceedings, the first respondent along with the court bailiff had tried to take possession of part of the petitioner's property, then only the petitioner came to know about the suit. Furthermore, the petitioner is a bonafide purchaser for value consideration and also the the entire building is not fall under the description of the suit property. But, the petitioner has not been made as a party in E.A No. 5 of 2023 in E.P No. 120 of 2010 in O.S No. 623 of 1981 on the file of the Principal District Munsif, Coimbatore. Hence, the petitioner is seeking to grant leave to challenge the impugned order in the present petition.



WEB COPY

3. Considering the fact of the case, it is seen that the petitioner purchased the property for value consideration, if the opportunity is not given to the petitioner it put too much hardship to the petitioner. Accordingly, leave is granted to the petitioner to challenge the impugned order.

21.12.2023

pbl

Note: List the matter on 22.12.2023.