



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.866 of 2023
in
SA (MD) No.166 of 2006

1 MUTHU PILLAI (DIED)

2 KRISHNAMMAL

3 MARISELVI

4 GANDHIRAJAN (DIED)

5 MUTHULAKSHMI ... Petitioners / Appellants

Vs

1 SUDALAI

2 PETCHIRANI

3 MURUGAN

4 PETCHIAMMAL ... Respondents 1 to 4 / Respondents 1 to 4

5 M.MUTHUPANDI ... 5th Respondent / Proposed 5th Respondent

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the 5th respondent herein as 5th respondent in the above second appeal in SA(MD).No. 166 of 2006.

Prayer in SA(MD) No.166 of 2006:

To prefer this memorandum of second appeal against the judgment and decree passed in A.S.No.51 of 2005 on the file of the Subordinate Judge, Kovilpatti dated 03.11.2005 reversing the judgment and Decree passed in O.S.No.55 of 2004 on the file of the District Munsif Court, Kovilpatti on 01.04.2005.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.P.SENTHIL, Advocate for the



petitioners, the court made the following order:-

This petition is filed to implead the 5th respondent herein as 5th respondent in the above second appeal in SA(MD)No.166 of 2006.

2.It is stated that the the fifth respondent purchased the suit property pending second appeal.

3. Pending of the second appeal would bind the subsequent purchaser and hence, his presence is absolutely not necessary in the second appeal for deciding the substantial questions of law. Therefore, this Court is of the opinion that the subsequent purchaser need not be added as party. Hence, this petition is dismissed.

sd/-
23/06/2023

/ TRUE COPY /

/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

To

1.The Subordinate Judge,
Kovilpatti.

2.The District Munsif,
Kovilpatti.

+1CC to M/s.M.P.SENTHIL, Advocate, SR-30988(F), dated 27.06.2023.

ORDER
IN
CMP(MD) No.866 of 2023
in
SA (MD) No.166 of 2006
Date :23/06/2023

ED/VR/SAR- (05/07/2023) 2P 4C