



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.1565 of 2023
in
SA (MD) No.723 of 2014

B. SELVAKUMAR ... Petitioner / Proposed 3rd Respondent
Vs

1 AHAMED IBRAHIM

2 P.S.P.A.KODER MOHAIDEEN

3 MOHIDEEN HALIMA AYISHA ... Respondents 1 to 3 / Appellants

4 K.VIJAYA SHANMUGAM

5 MURALI ... Respondents 4 & 5 / Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner herein to implead as 3rd respondent in the second appeal S.A.(MD).No.723 of 2014.

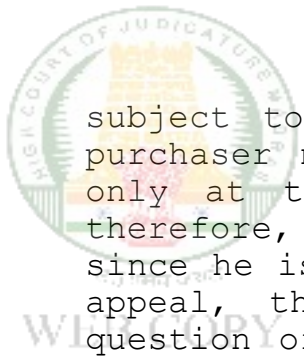
Prayer in SA(MD) No.723 of 2014:

To set aside the judgement and decree dated 13.02.2014 passed in A.S.No.26 of 2012 on the file of the Principal District Judge Court, Tirunelveli confirming the judgement and decree dated 07.04.2011 passed in O.S.No.93 of 2008 on the file of the Principal Subordinate Court, Tirunelveli and allow the second appeal with cost through.

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. SENGUVIJAY, Advocate for the petitioner, the court made the following order:-

This application has been filed to permit the petitioner herein to implead as third respondent in the second appeal.

2. The petitioner has filed this application to implead himself as third respondent in the main appeal since pending second appeal he has purchased the property. Pending litigation any alienation is



subject to the out come of the appeal and therefore, since it purchaser may not have any independent right or title and he can only at the best steps into shoes of the original vendor and therefore, he need not be impleaded as party to the second appeal since he is neither necessary party nor proper party. In the second appeal, the Court has to give the answer for the substantial question of law. Under these circumstances, this Court is of the view that the petitioner is not entitled to maintain this application and hence, this application is dismissed.

3. List the main appeal on 17.08.2023.

sd/-
23/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

To

1. The Principal District Judge,
Tirunelveli.

2. The Principal Subordinate Judge,
Tirunelveli.

ORDER
IN
CMP (MD) No.1565 of 2023
in
SA (MD) No.723 of 2014
Date : 23/06/2023

ED/VS/SAR- (04/07/2023) 2P 3C