



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

Thursday, the Twenty Second day of June Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.5850 & 5851 of 2016

IN

SA(MD) No.657 of 2013

1 VASUDEVAN
2 THAKKU RAM KUMAR

... PETITIONERS/APPELLANTS
IN BOTH CMP'S

Vs

1 SALAKAVA S.S.NAGANATHAN
2 SETHURAMAN
3 DHINAKARAN
4 MODILAL
5 SUBBURAMAN
6 ANUSIYA
7 YAMUNA
8 KUMAR
9 DIDDO
10 PARTHIBAN

... RESPONDENTS 1 TO 10/RESPONDENTS 1 TO 10
IN BOTH CMP'S

11 C.JAFFER SADIQUE
12 YUSUF ANSARI
13 S.JAGADEESWARI
14 MUKUNDU. M.HARI LAKSHMI

... PROPOSED RESPONDENTS 11 TO 14
/PROPOSED RESPONDENTS 11 TO 14
IN BOTH CMP'S

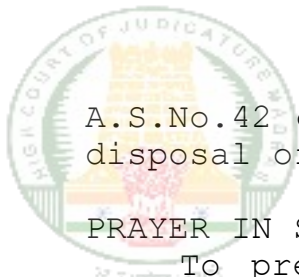
PRAYER IN CMP(MD).5850/2016 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners to implead the proposed respondents 11 to 14 herein as respondents 11 to 14 in the second appeal in S.A.No.657 of 2013 on the file of this Hon'ble Court, pending disposal of the above Second Appeal.

PRAYER IN CMP(MD).5851/2016 :

To grant an order of interim injunction restraining the proposed respondents 11 and 14 or their men or agents from putting up any construction in the suit property which is subject matter in O.S.No.124 of 2007 on the file of the District Munsif Court as

https://www.mhc.in/judis by the judgment and decree dated 16.04.2013 made in



A.S.No.42 of 2012 on the file of the Sub Court, Paramakudi, is for disposal of the above appeal.

PRAYER IN SA(MD).657/2013 :

To prefer the Memorandum of Grounds of Second Appeal against the Judgment and Decree dated 16.04.2013 made in A.S.42 of 2012 on the file of Sub Court, Paramakudi reversing the judgment and decree dated 27.02.2012 made in O.S.No.124 of 2007 on the file of District Munsif Court, Paramakudi.

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.S.SIVA THILAKAR, Advocate for the petitioner in both CMP's, the court made the following order:-

These applications are filed to permit the petitioners to implead the proposed respondents 11 to 14 herein as respondents 11 to 14 in the second appeal and to grant an order of interim injunction restraining the proposed respondents 11 and 14 or their men or agents from putting up any construction in the suit property.

2. The learned counsel for the petitioners would submit that the 9th respondent herein along with his wife have sole the suit property in favour of the respondents 11 & 12 by sale deed dated 06.01.2014. Similarly, the 9th respondent along with his wife have sold the portion of the suit property to the 13th proposed respondent by sale deed dated 02.11.2009. Therefore, the proposed respondents are necessary parties and without impleading them the appeal cannot be effectively conducted.

3. The scope of the second appeal is limited only for answering the substantial questions of law, subsequent purchaser steps into shoes of the original vendor and therefore, subsequent purchaser need not be impleaded as respondents 11 to 14. Therefore, these applications are dismissed.

4. Cause list shows that the respondents 1 & 2 died. Steps have not been taken to bring on record the legal representatives of the deceased respondents 1 & 2 and hence, the appeal is dismissed as abated as against the respondents 1 & 2.

5. List the main appeal on 08.08.2023 for other respondents.

sd/-

22/06/2023

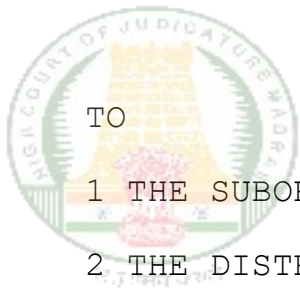
/ TRUE COPY /

/07/2023

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

am

<https://www.mhc.tn.gov.in/judis>



CMP(MD)



16

TO

1 THE SUBORDINATE JUDGE, PARAMAKUDI.

2 THE DISTRICT MUNSIF, PARAMAKUDI.

WEB COPY

ORDER
IN
CMP (MD) No.5850 & 5851 of 2016
IN
SA (MD) No.657 of 2013
Date :22/06/2023

RS/VR/SAR- (03.07.2023) 3P 3C