



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.8604 of 2018
IN
SA No.392 of 2004

1 M.A.MOHAMED IBRAHIM

2 FAIZAL BANU

3 UMMAL ZUWAIRIYA

4 AMZATH NISHA

5 FATHIMA SABEENA

... PETITIONERS/PROPOSED
RESPONDENTS 4-8

(LEGAL REPRESENTATIVE OF DECEASED
2nd RESPONDENT IN SA.392/004)

Vs

1 RAKKAPPAN

2 SUBRAMANIAN

3 KRISHNAN

4 RAKKAMMAL

... RESPONDENTS 1-4/APPELLANTS 1-4

5 AZHAGI

6 MARI

7 PACKIAM

8 AMARAVATHY

... RESPONDENTS 5-8/APPELLANTS 5-8

9 KANNUCHAMY

10 MEHABONISSA (DIED)

11 MOHAMED ASRAF

... RESPONDENTS 9-11/RESPONDENTS 1,3,4



12 M.JEYARAJAN

13 M.SHANTHI

14 S.THEERTHA RANI

15 S.PACHAI AMMAL

16 PANJALI

17 B.UMA EASWARI

18 K.RAMESH

19 R.JEYAMANI LINGESWARAN

20 N.RAJENDRA PRABU

21 T.PACKIAM

22 V.VIJAYASHANTHI

23 ANIMITHUTHRA

24 SARAVANAKUMAR

25 S.EASWARI

... RESPONDENTS 12-13/
PROPOSED RESPONDENTS 9-11

... RESPONDENTS 14-21/
PROPOSED RESPONDENTS 12-19

... RESPONDENTS 22-25/
PROPOSED RESPONDENTS 20-24

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the Respondents 9 to 24 herein as proposed Respondents 12 to 25 in the above S.A.No.392 of 2004 on the file of the Hon'ble Court and thus render justice.

PRAYER IN SA.No.392/2004:

Pleased to set aside the judgement and decree as made in O.S.No.429 of 87, dated 21.02.2001 on the file of the Principal District Munsiff Court, Sivagangai, confirmed in the judgement and decree as made in A.S.No.71 of 2001 dated 28.01.2004, on the file of the District Judge, Sivagangai.

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.SRINIVASA RAGHAVAN, Advocate for the petitioners, the court made the following order:-

This application has been filed to implead the respondents 9 to 24 herein as proposed respondents 12 to 25 in the above second



2. The learned counsel for the petitioners would submit pending second appeal, the appellants/respondents 1 and 2 by name Rakkappan and the son of deceased Muthan by name Subramanian, who is the second respondent herein have sold part of the suit properties to various persons. In order to get a binding adjudication against the said purchasers of the suit property and to avert any further disposition attempt etc., the said persons may also be impleaded as respondents 12 to 25 in the above appeal for the purpose of reaching complete and effective adjudication against all such purchasers.

3. Pending litigation any alienation is subject to the out come of the appeal and therefore, subsequent purchaser may not have any independent right and title. Subsequent purchaser steps into shoes of the original vendor and therefore they need not be impleaded as party to the appeal since they are 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 petitioners are not entitled to maintain this application and hence, this application is dismissed.

4. List the main appeal on 09.08.2023.

sd/-

22/06/2023

/ TRUE COPY /

/07/2023

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

AM

TO

1 THE PRINCIPAL DISTRICT MUNSIF, SIVAGANGAI.

2 THE DISTRICT JUDGE, SIVAGANGAI.

COPY TO:

1 THE SUB ASSISTANT REGISTRAR
A.E. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CMP(MD) No.8604 of 2018

IN SA No.392 of 2004

Date : 22/06/2023

SA/VR/SAR. /04.07.2023/3P/5C

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