



WEB COPY



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C.M.P.No.2650 of 2024

IN

W.A.No.3585 of 2023

R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This miscellaneous petition is filed by the petitioner / 3rd party, seeking to implead themselves as party respondent to the above appeal.

2.According to the learned senior counsel appearing for the petitioner, the petitioner is the successful bidder and auction purchaser of the secured properties belonging to the third respondent herein, which were sold by the appellant / first respondent herein through e-auction on 29.03.2022 for the highest bid amount of Rs.105,35,08,000/- as against the reserve price of Rs.92,15,08,000/-. They deposited the entire bid amount of Rs.105,35,08,000/- with the first respondent and were issued with sale certificate on 23.06.2022. However, neither the first respondent was able to register the sale certificate nor the petitioner was able to deal with the properties purchased by them for more than a year, for the reason that the second respondent raised attachment over the secured properties for the



tax dues payable by the third respondent. Hence, the first respondent preferred WP. No. 15014 of 2022 seeking a direction to the second respondent herein to remove the attachment raised in respect of the secured properties so as to enable the bank to register the sale certificate in favour of the petitioner herein. Without issuing any notice to the petitioner, the learned Judge has dismissed the writ petition filed by the appellant herein, thereby unreasonably depriving the legal and constitutional right over the valuable properties of the petitioner. Hence, the petitioner has to be impleaded as one of the respondents in the appeal, for the purpose of effective and complete adjudication. The learned senior counsel further submitted that in the event of the petitioner being impleaded as a party to the appeal, no prejudice will be caused to any of the parties.

3.Heard the learned counsel appearing for the respondents, who have no objection in allowing this petition.

4.Considering the reasons stated in the affidavit filed in support of this petition and having regard to the submissions made by the learned counsel appearing for all the parties, this petition is allowed as prayed for.



5. Registry is directed to carry out the necessary amendment in the appeal papers and post the same for final hearing on 10.06.2024.

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[R.M.D., J.] [M.S.Q., J.]
17.04.2024



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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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