



WEB COPY

A.No. 528 of 2022
and
T.O.S.No. 6 of 2021

A.A. NAKKIRAN, J

This application has been filed to implead Mr.Adham Bava as the 2nd defendant in the Testamentary Original Suit.

2. The learned counsel for the petitioner/proposed respondent submitted that he is having possession and enjoyment of the said property for the past three years and the Lease Agreement is still in existence. Hence, he is interested party in the properties mentioned in the said Will of late S.Subramanian and he must be added as the necessary party to the proceedings. He further submitted that he could not be evicted without due process of law by the legal heirs of the said deceased S. Subramanian. Once they obtained any order from this Court based on the Will of S.Subramanian or through succession behind him they will chase him out from the properties. Hence, it is necessary to implead the party to the proceedings. Hence he prays to allow this application.



WEB COPY

3. The learned counsel appearing for the 1st respondent submitted that the applicant has to raise all the points before the appropriate Forum and it cannot be agitated before this Court. Hence, he prays to dismiss the above application.

4. The learned counsel appearing for the second respondent submitted that the applicant has filed the suit in O.S.No.8545 of 2021 on the file of VII Additional City Civil Court, Chennai, seeking for injunction restraining the defendant. During the pendency of the suit, the applicant filed an application in I.A.No. 2 of 2021 seeking for interim injunction and the same was dismissed by order dated 03.12.2021. Aggrieved by the same, the applicant has preferred an appeal in CMA.No. 232 of 2022 before this Court seeking to set aside the aforesaid order and the appeal was also dismissed, by order dated 10.02.2022 of this Court. Hence, he prays to dismiss the application.

5. Heard both sides and perused the records.



WEB COPY

6. On a perusal of the records, it is seen that after not succeeding in I.A.No. 2 of 2012 and CMA.No.232 of 2022, the applicant being the third party, has preferred this application and the reasons stated in the affidavit filed in support of the application is not acceptable. Hence, this Court is not inclined to allow this application.

7. In the result, the application stands dismissed.

27.02.2024

MSM

Note: Registry is directed to list the
TOS.No.6 of 2021 on 07.03.2024 at 2.15 p.m.

34



WEB COPY



A.A. NAKKIRAN, J

MSM

A.No. 528 of 2022
and
T.O.S.No. 6 of 2021

27.02.2024

