



C.M.P.No.3926 of 2023
in S.A.No.73 of 2018

P.B.BALAJI, J.

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MAM Educational Trust, represented by its Correspondent, has taken out the above Civil Miscellaneous Petition seeking to implead itself as one of the respondents in the above mentioned second appeal in S.A.No.73 of 2018.

2. It is the case of the petitioner that based on the decree dated 20.04.1999, passed in O.S.No.325 of 1999, on the file of the Subordinate Court, Mettur, the respondents 1 to 3 viz., appellants in the said second appeal, had acquired the property which is the subject matter of the suit originally filed by the plaintiffs. Further, the first respondent in the said suit sold his share in favour of the petitioner/trust and thereafter, a school is being run by the petitioner/trust in the suit property.

3. It is the categorical case of the petitioner that even at the time of filing of the suit, the superstructure was constructed by the petitioner/trust and the school has been running there and therefore, any orders passed in this second appeal would cause serious and adverse prejudice to their interest. Hence, the petitioner/trust has sought to implead itself as one of the respondents in this second appeal.

4. The learned counsel for the appellants stated that they do not have any objection in allowing the said petition.

5. However, the learned counsel for the respondents opposed the said petition by stating that the impleadment of a third party cannot be permitted at the



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stage of second appeal and the petitioner/trust has not made out the cause for their impleadment at the second appeal stage.

6. On hearing the submissions made by the learned counsel on either side and on reading the affidavit filed in support of the above Civil Miscellaneous Petition, this Court does not see serious prejudice being caused to the appellants or the respondents, if the petitioner is impleaded as the 3rd respondent in the second appeal.

7. Considering the reasons stated above and also having been satisfied with the same, this petition is allowed.

8. Registry is directed to make necessary amendments in the second appeal in S.A.No.73 of 2017 by impleading the petitioner herein as the 3rd respondent in the second appeal.

02.01.2024

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