



WEB COPY



C.M.P. No. 7792 of 2024
in S.A.No.374 of 2023

C.M.P. No. 7792 of 2024
in
S.A.No. 374 of 2023

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to implead the proposed 16th respondent as a necessary party in the above Second Appeal.

2. The learned counsel for petitioner/16th proposed respondent would submit that he filed this petition praying to implead him as 16th respondent in the above Second Appeal stating that during the pendency of first appeal proceedings, he purchased a portion of the suit property from one Ramaiah, 12th respondent/13th defendant, one of co-sharer of the suit property with various numbers. Hence, as a bonafide purchaser, he purchased the property and he wanted to implead himself as a 16th respondent in the above Second Appeal.

3. The learned counsel for 1st respondent/appellant raised objections stating that he is aged about 86 years and he approached the court for the relief of partition and consequential relief in the year of 2004. During the pendency of first appeal proceedings, this petitioner purchased a portion of property from 12th respondent/13th defendant Ramaiah on 09.05.2022.

Therefore, the purchase is a lis-pendence purchase and the same is implied



C.M.P. No. 7792 of 2024
in S.A.No.374 of 2023

WEB COPY

the provision of Sec.52 of Transfer of Property Act. He would further submit that if the petitioner purchased the property as a bonafide purchaser, he has to approach the trial court and pending appeal, even assuming that he had any right over the suit property, he can work out his remedy in the final decree proceedings. Accordingly, he prayed to dismiss this petition.

4. Considering the facts and circumstances and on considering both side submissions, it reveals that the above Second Appeal was filed in the year of 2023 and during the pendency of first appeal proceedings, the proposed 16th respondent purchased the property from the 12th respondent/13th defendant through a sale deed dated 09.05.2022. If at all, he is having any right over the suit property, he can work out his remedy in the final decree proceedings as rightly suggested by the 1st respondent/appellant's counsel. Accordingly, with the said direction, this Civil Miscellaneous Petition is closed.

5. Post the matter on 18.07.2024.

24.06.2024

rpp



WEB COPY



C.M.P. No. 7792 of 2024
in S.A.No.374 of 2023

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 7792 of 2024
in
S.A. No. 374 of 2023

24.06.2024