



C.M.P.No.8016 of 2019

in

A.S.No.996 of 2005

R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

This petition has been filed seeking to implead the petitioners as a party respondents in this appeal.

2.The petitioners claim to be the sons and daughters of D.C.Krishnan, whose grand father and the grand father of the respondents i.e., the plaintiffs and the defendants in the suit, Munusamy Kounder are brothers and therefore, the petitioners are entitled to share in the suit properties. It is also claimed that a suit for partition filed by them in O.S.No.124 of 2013 is pending in as much as the petitioners are setting up a hostile title in both the parties to the suit namely, the plaintiffs and the defendants, there cannot be an investigation into that title in a suit for partition.

3.It is seen from the affidavit itself that the petitioners have filed a separate suit for partition, which is said to be pending. Leaving it open to the petitioners to work out their rights in the said suit, this petition is dismissed.

(R.S.M., J.) (R.S.V., J.)

02.04.2024

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