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C.M.P. No. 16908 of 2024
in S.A.No.454 of 2007

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S.A.No. 454 of 2007

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to implead the proposed respondents as a necessary parties in the above Second Appeal.

2. Mr.R.Sreedhar, learned counsel for petitioners/proposed respondents would submit that they are third parties and they have filed this petition praying to implead them as respondents in the above Second Appeal stating that petitioners' father Mani purchased the property from the Power Agent viz., Vinayagamurthy, from whom, decree holders viz., Senbagavalli, Ramadoss and his legal heirs gave power of attorney. Accordingly, he purchased the property on 28.03.2007, which is the subject matter in the Second Appeal. Hence, they wanted to implead them as respondents.

3. The learned counsel for 1st respondent/appellant raised strong objections stating that already he obtained an order of interim injunction not to make any encumbrance over the property. In spite of that, the



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petitioners purchased the property. Therefore, their purchase was affected by principles of lispendence and prayed to dismiss this petition.

4. Admittedly, an order of interim injunction was granted on 08.09.2008, but according to the petitioners, their father purchased the suit property on 23.08.2007, however, at that time, this Second Appeal is pending. So, the principles of lispendence is clearly applicable to this case. So, to avoid further multiplicity of proceedings, this Court is inclined to allow this petition to implead them as respondents 19 to 21 in the above Second Appeal. Registry is directed to carry out necessary amendment in the cause title of the above Second Appeal and post the matter on 18.11.2024.

24.10.2024

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