



A.No.4219 of 2024 in C.S. No.324 of 2020

**DR. G. JAYACHANDRAN, J.**

WEB COPY

This application is filed to implead one Karthikeyan, who, purportedly, is in occupation of a portion of the disputed property, as a tenant, under the defendants, as the fourth defendant in the suit.

2. Counter affidavit was filed stating that the said Karthikeyan had vacated the premises and someone else is now in occupation of the said portion as tenant.

3. Admittedly, the property in dispute is in possession and enjoyment of the defendants. The suit is filed for permanent injunction and mandatory injunction to remove obstruction. Since the proposed defendant is no more in occupation of the disputed property, there is no meaning in allowing this application for impleadment. However, to avoid multiplicity of litigation, this Court directed the defendants to file an affidavit that if they lose the suit and are asked to hand over possession to the plaintiff, they will oblige.

4. In reverence to the above direction, the first defendant, on behalf of other defendants, has filed an affidavit of undertaking dated 22.11.2024 to the effect that if the suit is decreed, they will vacate the tenant from the portion in his occupation at their own cost and inform about the same to this Court.

Recording the aforesaid affidavit of undertaking filed by the defendants, this application seeking impleament is dismissed.

**28.11.2024**

cad



WEB COPY

A.No.4219 of 2024 in C.S. No.324 of 2020



**DR. G. JAYACHANDRAN, J.**

cad

A.No.4219 of 2024  
in  
C.S. No.324 of 2020

28.11.2024