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C.M.P.Nos.18603 of 2024 in
A.S.No.178 of 2022

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SATHI KUMAR SUKUMARA KURUP, J.

Learned Counsel for the Petitioner/Appellant submits that the Petitioner seek to implead himself as Appellants 3 in A.S.No.178 of 2022.

2. The learned Counsel for the Respondents 2 and 3 in the Appeal objects to the Petition stating that the Petitioner in C.M.P.No.18603 of 2024 along with 19 others filed I.A.No.515 of 2015 in O.S.No.202 of 2012 on the file of the learned Principal District Judge, Erode. The petition was resisted by the Plaintiff in the suit. The parties, 20 Petitioners claims that they are third parties. After due enquiry, the learned Principal District Judge dismissed I.A.No.515 of 2015 in O.S.No.202 of 2012 as per order dated 14.12.2016. They had not preferred any Appeal against the dismissal of I.A.No.515 of 2015. Subsequently, the first Petitioner K.Raja preferred C.M.P.No.662 of 2023 in A.S.No.178 of 2022 and the Appellant had objected to the same. After due enquiry, the learned Judge of this Court by order dated 29.04.2024 dismissed C.M.P.No.662 of 2023. The reasoning for dismissal of the C.M.P.No.662 of 2023 squarely applies to the facts of this



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case. The Petitioner in C.M.P.No.18603 of 2024 claims that he is a third party and he also was a party in the petition in I.A.No.515 of 2015. He was Petitioner-13 in I.A.No.515 of 2015. The first Petitioner only had filed C.M.P.No.662 of 2023 in A.S.No.178 of 2022.

3. It is the contention of the learned Counsel for the Petitioner/Appellant before this Court that the Petitioner in C.M.P.No.18603 of 2024 had suppressed the fact that he was one among the Petitioners in I.A.No.515 of 2015 and had filed this petition.

4. The learned Counsel for the Petitioner/Appellant submits that he has no information regarding the same as per instructions. On perusal of the order passed in I.A.No.515 of 2015 in O.S.No.202 of 2012 and petition enclosed in the typed set by the learned Counsel for the Petitioner, it is found that the Petitioner herein in C.M.P.No.18603 of 2024 in A.S.No.178 of 2022, also the Petitioner-13 in I.A.No.515 of 2015 in O.S.No.202 of 2012. Therefore, what was applicable to the Petitioner in C.M.P.No.662 of 2023 is applicable to the Petitioner in C.M.P.No.18603 of 2024 also and on the same ground, the petition is dismissed.



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