



WEB COPY

CMP. 27



2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **05-12-2024**
CORAM
THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP. 27805 of 2024
AND
SA SR. 118381 OF 2024

N.VENKATESAN

APPELLANT

Vs

K.KUMARAVEL

AND ANOTHER

RESPONDENT

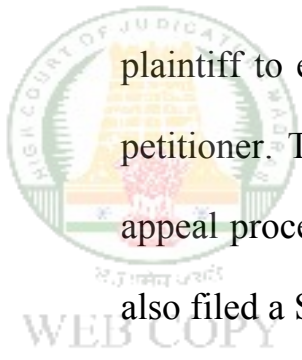
Prayer : To grant leave to the petitioner to file the above SA against the judgment and decree dated 16.04.2024 in A.S.No. 43 of 2021 on the file of Principal District Judge, Salem reversing the judgment and decree dated 28.06.2019 in O.S.No. 536 of 2018 on the file of Sub-Court, Omalur.

For Appellant(s): Mr. V.Sekar

ORDER

The petitioner is a third party to the suit proceedings filed this Civil Miscellaneous Petition seeking to grant leave to the petitioner to file the above SA against the judgment and decree dated 16.04.2024 in A.S.No. 43 of 2021 on the file of Principal District Judge, Salem reversing the judgment and decree dated 28.06.2019 in O.S.No. 536 of 2018 on the file of Sub-Court, Omalur.

2. Mr. V.Sekar, learned counsel for Petitioner would submit that after the dismissal of the suit, the petitioner purchased the property from the defendant, but subsequently, in the first appeal, the findings of the trial court was set aside and the relief was granted in favour of



plaintiff to execute the sale deed in respect of the suit property, which is purchased by this petitioner. Therefore, necessity arose for him to file a Second Appeal challenging the first appeal proceedings, since he purchased the property and as on date, vendor of the petitioner also filed a Second Appeal in S.A.No.656 of 2024 and the same is pending before this court.

3. Considering the facts and circumstances of the case as well as considering his submissions, this Court is inclined to allow this petition and accordingly, this Civil Miscellaneous Petition is ordered. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 20.01.2025.

(T.V.THAMILSELVI J.)
05-12-2024

RPP