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Application No. 1933 of 2024  
in C.S. No. 67 of 2022

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**C.V.KARTHIKEYAN, J.**

This application has been filed seeking to implead a third party as further defendant in the suit.

2. It is the contention of the applicant /the learned counsel for the applicant that the applicant is a necessary party to examine the issues raised in the suit. The issues raised in the suit are with respect to the declaration of two items of the property, which have been described in the suit schedule property.

3. The learned counsel for the plaintiffs however raised strong objections by stating that the applicant herein had earlier filed a suit in the City Civil Court seeking injunction as against the plaintiffs herein and holding that the applicant herein had purchased an unapproved plot and that the Court could not come to his rescue even to recognize his possession, that Court had negated his relief for injunction. That view



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of the learned Trial Judge had also been upheld by the 1<sup>st</sup> Appellate Court. Those two judgments had been relied on very strongly by the learned counsel for the respondents /plaintiffs.

4. Be that as it may, it is evident that the applicant herein had purchased an unapproved plot. To that extent, it is the contention of the learned counsel for the applicant that the applicant must be heard before examining the issue of declaration of title of the suit schedule properties.

5. Let me not enter into any discussion whether the plaintiffs are entitled for such discussion, since the suit is at part heard stage.

6. The learned counsel for the plaintiffs expressed strong reservation about protraction of the trial and stated that the plaintiffs, senior citizens of advanced age, are being put to much difficulty and hardship by this application. The clock cannot be set back insofar as the trial procedure is concerned.

7. Let me make it very clear that the applicant herein can participate only from the stage at which the suit is at present. He can file his written statement, but he should cross examine the witness for the plaintiffs and participate in the suit further. He cannot go backwards.



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8. Leaving the issue of declaration, the issue of the nature of the property, the issue whether the plot is approved or unapproved, the issue whether the Government has a supervening interest and right over the property or not to the trial process to be adjudicated on analysis of evidence, I would implead the present applicant as a further 9<sup>th</sup> defendant in the suit.

9. With those observations, this application stands allowed.

*Maya*

19.06.2024  
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