



CMP(MD) No.5675 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Ninth day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN
C.M.P(MD)Nos.5675 & 5676 of 2022 and 3278 of 2019
in
A.S.(MD)Nos.145 & 147 of 2017

A.VENKATESAN ... PETITIONER/PROPOSED RESPONDENT
IN CMP(MD).5675/2022

V.SELVI ... PETITIONER/PROPOSED RESPONDENT
IN CMP(MD).5676/2022

1 B.S.KUMARESH
2 M.V.PREETHI ... PETITIONERS/PROPOSED 6 & 7 RESPONDENTS
IN CMP(MD).3278/2019

Vs

1 D.M.MAHESHWARAN ... 1ST RESPONDENT/ APPELLANT

2 M.PARAMESWARAN,

D.MAYANDI (DIED)

3 D.M.VENKATESWARAN,

4 B.CHAMUNDEESWARI,

5 UNION BANK OF INDIA,
KOCHADAI BRANCH,
THENI MAIN ROAD,
P.P. CHAVADI, MADURAI.
THROUGH ITS MANAGER

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.5675 of 2022

M.PITCHAI (DIED)

6 JEYA

... RESPONDENTS 2 TO 5/RESPONDENTS
IN CMP(MD).5675 & 5676/2022

1 D.M.VENKATESHWARAN

... 1ST RESPONDENT/ APPELLANT

2 M.K.PARAMESWARAN

3 D.M.MAHESWARAN

4 B.CHAMUNDEESWARI

5 UNION BANK OF INDIA
KOCHADAI BRANCH
THENI MAIN ROAD,
P.P.CHAVADI, MADURAI
THROUGH ITS MANAGER

6 JEYA

... 2 TO 6 RESPONDENTS/RESPONDENTS 1 TO 5
IN CMP(MD).3278/2019

Prayer in CMP(MD).5675/2022 :

To pass an order to implead the petitioner herein as respondent in AS(MD) No. 145 of 2017.

Prayer in CMP(MD).5676/2022 :

To pass an order to implead the petitioner herein as respondent in AS(MD) No.145 of 2017.

Prayer in AS(MD).145/2017 :

To set aside the Judgment and Decree passed in O.S.No.12 of 2006 on the file of the IV Additional District Judge, Madurai dated 10.07.2013.

Prayer in CMP(MD).3278/2019 :

To permit the petitioners to implead as Respondents No.6 & 7 as a party in the above said Appeal Suit (MD) No.147 of 2017 pending on the file of this Honble Court.

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CMP(MD) No.5675 of 2022

Prayer in AS(MD).147/2017 :

To set aside the judgment and decree dated 10.07.2013 in O.S.12 of 2006 on the file of 4th Additional District Court, Madurai and allow this first appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.ANAND CHANDRASEKAR, Advocate for M/S.SARVABHAUMAN ASSOCIATES for the petitioner in CMP(MD).5675 & 5676/2022 and of MR.K.MURALEEDHARAN, Advocate for the petitioner in CMP(MD).3278/2019, the court made the following order:-

The appeal suits are arising out of the final decree passed before the trial Court.

2.The petitioners are the subsequent purchasers and they have purchased the permits from some of the legal heirs pending final decree proceedings and pending appeals. Therefore, they are not necessary parties either in the appeal or in the final decree proceedings. If at all they got any right or grievance, they have to workout their remedy against their vendor before the appropriate forum. As the petitioners are neither the necessary parties nor the proper parties, the petitions are liable to be dismissed. Accordingly, all the petitions are dismissed.

3.List the main appeals for final disposal on 09.09.2024.

sd/-

09/08/2024

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/08/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO செய்து உரிமை

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THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.

+2 CC to M/s.M/S.SARVABHAUMAN ASSOCIATES, Advocate (SR-9789[I] & SR-9790[I] dated 12/08/2024)

ORDER

IN

C.M.P(MD)Nos.5675 & 5676 of 2022 and 3278 of 2019
in

A.S.(MD)Nos.145 & 147 of 2017

Date :09/08/2024

RS/JGB/SAR-(23.08.2024) 4P 4C

Madurai Bench of Madras High Court is issuing
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