



CMP(MD) No.7962 of 2023

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

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.7962 of 2023

IN

SA(MD) No.136 of 2023

A.MATHU

... PETITIONER/PROPOSED 2nd RESPONDENT

Vs

1 P.V.RAVEENDRAN

2 R.SRINATH

... RESPONDENTS 1 & 2/APPELANTS 1 & 2

3 MARIA PURAVINCE OF S.A.D,

REGISTRATION NO.134 OF 199,

ST.ANNAL HIGHER SECONDARY SCHOOL,

REPRESENTED BY ITS PROVINCIAL SUPERIOR,

ANTHONY PRAKASHI

... RESPONDENT 3/SOLE RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the petitioner as proposed 2nd respondent in S.A(MD) No.136 of 2023 on the file of this Honourable court.

Prayer in SA(MD). 136/ 2023 :

Second Appeal filed 100 of under Section Civil Procedure Code, to set aside the judgment and decree dated 01-12-2022 in A.S.No.4 of 2022 on the file of the Subordinate Judge, Periyakulam, confirming the judgment and decree date 15-11-

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



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2021 in O.S.No.72 of 2017 on the file of the District Munsif, Periyakulam and dismiss the suit by allowing the second appeal.

ORDER : This Civil Miscellaneous 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.RAJA KARTHIKEYAN, Advocate on behalf of the Respondents No.1 & 2 and Mr.EASTER RAJAN, Advocate for M/s.ISAAC CHAMBERS, for the 3rd Respondent and none appeared for the petitioner side either in person or by an advocate, the court made the following order:-

One Mathu S/o, Asokan has filed this Miscellaneous Petition in CMP (MD) No.7962 of 2023 in SA(MD) No.136 of 2023 to implead him as second respondent in SA(MD) No.136 of 2023, on the ground that he is the subsequent purchaser of the suit schedule property.

2.Today(19.09.2024), when this Miscellaneous Petition is taken up for hearing, there is no representation for the petitioner.

3.The suit in O.S.No.72 of 2017 was filed by the plaintiff as against the defendants and the suit was decreed by a judgment and decree, dated 15.11.2021. Challenging the judgment and decree passed by the trial Court in O.S.No.72 of 2017, the defendants have filed an appeal in A.S.No.4 of 2022, before the Sub Court, Periyakulam and the same was dismissed by the first Appellate Court. Aggrieved over the same, the defendants in O.S.No.72 of 2017 have filed the Second Appeal in SA(MD) No.136 of 2023 before this Court and the same was admitted by this Court on the substantial questions of law raised in the second appeal on 17.04.2023. In this



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circumstances, this application in CMP(MD) No.7962 of 2023 is filed by a third party, by name, Mathu that he is the subsequent purchaser of the suit schedule property and he has purchased the suit schedule property in the month of May 2022.

4. When this application was taken up for hearing on 12.08.2024, there was no representation for the petitioner and therefore, the matter was adjourned to 13.08.2024, under the caption "for dismissal". On 13.08.2024, a representation was made by the learned counsel for the respondents 1 & 2 that the petitioner is the subsequent purchaser of the suit schedule property and therefore, he is a necessary party to the proceedings in SA (MD) No.136 of 2023. Considering the submission made by the learned counsel for the respondents 1 & 2, this Court, by order, dated 13.08.2024 has ordered notice to the respondents. When this application is listed for hearing today, there is no representation for the petitioner and a representation is once again made on behalf of the petitioner by the learned counsel for the respondents 1 & 2.

5. The learned counsel appearing for the third respondent/plaintiff submits that this petitioner is not a relevant party to the second appeal in SA(MD) No.136 of 2023 that this application is filed without any details with regard to the property purchased by him, date of sale deed, whether it is registered or not, if registered, the Document number and the Sub Registrar Office, in which, it has been



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registered. Therefore, this application is liable to be dismissed.

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6.This Court considered the submissions made by the learned counsel for the third respondent and also perused the materials placed on record, including the application in CMP(MD) No.7962 of 2023.

7.As rightly pointed out by the learned counsel for the third respondent/plaintiff, this application has been filed with bereft of details, such as, date of purchase of the property, extent of property purchased by the petitioner, Document details, the name of Sub Registrar etc., The petitioner has simply stated that he has purchased the suit schedule property in the month of May-2022. The suit in O.S.No.72 of 2017 has been filed in the year 2017 and decreed on 15.11.2021. It appears that after the judgment and decree rendered by the trial Court in the year 2021, the petitioner appears to have purchased the suit property in the year 2022.

8.In view of the above and considering that this application is filed with bereft of details, this Court is not inclined to entertain this Miscellaneous petition. Accordingly, this Civil Miscellaneous Petition is dismissed.

sd/-
19/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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VRN

TO

1 THE SUBORDINATE JUDGE,
PERIYAKULAM.

2 THE DISTRICT MUNSIF,
PERIYAKULAM.

+2 CC to M/s.M/S.ISAAC CHAMBERS, Advocate (SR-11462[I] dated 20/09/2024)

ORDER
IN
CMP(MD) No.7962 of 2023
IN
SA(MD) No.136 of 2023
Date :19/09/2024

SA/JGB/SAR. /26.09.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.