



CMP.Nos.6910 & 6915 of 2022
and
S.A.No.1195 of 2003

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V. LAKSHMINARAYANAN, J.

The petitioner is a purchaser of the property pending the litigation.
She had purchased the property from V.S.Harikumar/3rd appellant.

2.The third party purchaser pleads that the road is a public road as is clear from paragraph No.5 of the affidavit in support of the impleading application.

3.Mr.T.V.Ramanujan, learned Senior Counsel appearing on behalf of Mr.T.V.Krishnamachari submits that the newly impleading party cannot take a plea that it is a public road as that will project a new cause in the Second Appeal.

4.The proposed party, having purchased the property from the 3rd appellant, whatever interest the 3rd appellant had devolves on the petitioner by virtue of Order 22 Rule 10 of the Code of Civil Procedure. At the same time, a plea not taken by the 3rd appellant in the trial Court cannot be enlarged by a person who has purchased the property from him. This is because a legal representative cannot take a larger plea than the original party. The petitioner can be treated as a legal representative of the 3rd appellant.



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5. With the above restriction that the proposed party cannot raise a plea not raised by the 3rd appellant, CMP.Nos.6910 and 6915 of 2022 are ordered.

10.10.2025

vs

Note: Office is directed to carry out necessary amendment.

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