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C.M.P.No.1264 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.P.No.1264 of 2025

in

C.M.P.No.29005 of 2024

in

O.S.A.No.60 of 1959

Francis George

... Petitioner/
Proposed 2nd Respondent

Vs.

1. Sarvothaman

2. The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.

S.Somasundaram Chettiar (Died)

Anusuya (Died)

Ramanathan (Died)

T.T.Srinivasan (Advocate Executor)

Jayalakshmi (Died)

Padmini Chandrasekaran (Died)

... Respondents



C.M.P.No.1264 of 2025

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Prayer: The Civil Miscellaneous Petition is filed under Order XIV Rule 8 of the Original Side Rules r/w Order 41 Rule 20 of Civil Procedure Code, to implead the petitioner/proposed second respondent, namely, Francis George, Son of late P.C.George, residing at Flat No.5, Ashirwad Apartments, 5/9, Akbarabad 2nd Street, Kodambakkam, Chennai - 600 024, as second respondent in C.M.P.No.29005 of 2024 in O.S.A.No.60 of 1959 pending on the file of this Court.

For Petitioner : M/s.Rajnish Pathiyil

For Respondent : Mr.A.Thameem Mohideen

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ORDER

*(Order of the Court was made by **S.S. SUNDAR, J.**)*

This Civil Miscellaneous Petition is filed to implead the petitioner as proposed second respondent in C.M.P.No.29005 of 2024 in O.S.A.No.60 of 1959 pending on the file of this Court.



C.M.P.No.1264 of 2025

WEB COPY

2. It is the grievance of the petitioner that the petitioner claimed to have purchased the property along with another from M/s.N.Selvaradjalou Chetty Trust, represented by its Chairman and Trustee, Dr. H.B.N. Shetty, I.A.S. (Retd.) and another in his capacity as the Executor of the Will of Late.Padmini Chandrasekaran and Mr.N.Vinayagamoorthy. It is the case of the petitioner that the property was dealt with long back and the petitioner has the absolute title over the property.

3. This petition was seriously opposed by the contesting respondent, who has already filed the petition in C.M.P.No.29005 of 2024 in relation to the same property, to record the Compromise Decree dated 29.04.1970 passed by the Principal District Judge, Pondicherry, in O.S.No.6 of 1968 which evidences the discharge of decretal debt against the Security Bond dated 24.08.1960 in O.S.A.No.60 of 1959 in C.S.No.329 of 1952.



C.M.P.No.1264 of 2025

WEB COPY

4. The question whether the petitioner's claim should be accepted as against the interest of the respondent will have to be decided in the main application. Having regard to the statement on facts pleaded by the petitioner in this Civil Miscellaneous Petition, this Court is of the view that this petition can be allowed without prejudice to the rights and contentions of the petitioner in C.M.P.No.29005 of 2024. Accordingly, this Civil Miscellaneous Petition is ordered. However, liberty is preserved to the respondent, who is the petitioner in C.M.P.No.29005 of 2024. There shall be no order as to costs.

(S.S.S.R., J.) (C.S.N., J.)
13.02.2025

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To

1. Sarvothaman,
S/o.Late.Somasundaram Chettiar,
No.79, 6th Main Road, Mahaveer Nagar,
Puducherry - 605 008.
2. The Registrar General,
High Court of Judicature at Madras,
Chennai - 600 104.



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S.S. SUNDAR, J.
and
C. SARAVANAN, J.

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in C.M.P.No.29005 of 2024
in O.S.A.No.60 of 1959

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