



WEB COPY

A NO. 5288 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A NO. 5288 of 2024

N.Kothadevi
W/o P.Nataraj

Applicant(s)

Vs

N.Chandran (Died) 1.U.Geetha and 4 others
W/o. Udayakumar, No.25134, 3rd Main Road, Mathur Mmda,
Manali, Chennai-600 068. and 4 Others

Respondent(s)

For Applicant(s):

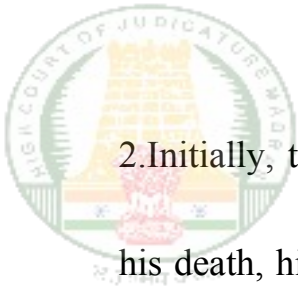
V.Janarthanan
R.Vijayakumar
V.Pandiyan

For Respondent(s):

Affidavit Of Service Filed(postal Track Only)

ORDER

The case of the plaintiff is that the defendant, who was the original allottee in the Tamil Nadu Housing Board has given No objection Certificate to execute the sale deed in favour of the plaintiff and accordingly, the plaintiff has paid the sale consideration and got the sale deed in his favour. The defendant, who is in occupation of the property, refused to vacate it. Hence, the suit for delivery of possession.



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2.Initially, the plaintiff has impleaded only the original allottee Chandran as defendant. On his death, his legal heirs brought on record. After filing written statement, there is a specific denial for giving consent for executing the sale deed in favour of the plaintiff. The present application is taken to implead the Tamil Nadu Housing Board/the Vendor of the plaintiff as one of the parties.

3.The counsel appearing for the defendants states that in the suit for delivery of possession, the purported vendor of the plaintiff is not a necessary party. Having chosen not to implead it as a party at the first instance, after two years, present application is filed as a reaction/response to the written statement filed by the defendants.

4.Taking note of the fact that both plaintiff as well as defendants claim their right through Tamil Nadu Housing Board and therefore, the fundamental fact how the property was sold to the plaintiff for him to sustain the suit for delivery of possession has to be ascertained, and therefore, the Tamil Nadu Housing Board is a proper and necessary party to the suit. Hence, this application is allowed.



5.Plaintiff is directed to file the amended copy and notice to the impleaded respo

ordered, returnable by 26.02.2025. Private notice is also permitted. Post the matter on

26.02.2025.

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