

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Tmt.J.Mavis Deepika Sundaravadhana, M.A., M.L.,**
Principal District Judge, Chengalpattu.

Thursday the 5th day of September 2024

I.A.No.4/2023

in

A.S.No.12/2014

1. M.Chellan (died)
2. C.Palayam
3. Velayutham
4. Mallika
5. Gopal
6. Haridoss
7. Vijayalakshmi . . . Petitioners / Appellants.

/Vs/

1. S.Loganathan . . . Respondent /
Respondent.
2. L.Jagadheesan . . . Proposed
party/Respondent.

This petition came up before me in this court for final hearing on 31.7.2024, in the presence of Thiru.D.Palanichamy, Advocate for the petitioner, Thiru.V.Ravi, Advocate for the 2nd respondent and the 1st respondent reported died, and during steps for amendment, upon

perusing the entire records and on clarification, this court delivers the following,

ORDER

This petition is filed by the petitioners / appellants to implead the proposed respondent as 2nd respondent in the appeal.

2. The case of the petitioner in brief :

The petitioners father, the 1st appellant filed the above case and has been looking after the same and hence, the petitioners are not aware of the stage and nature of the case. In this juncture, the petitioner's father died on 14.10.2017 leaving behind us his legal heirs and then the petitioners have impleaded in the above case as per the order in IA 73/2018 dated 12.3.2018 and after that only the petitioners look into the facts of the case and also verified the documents and also encumbrance certificate through online on 23.03.2019 and came to know the illegal acts done by the respondent that he had settled the portion of suit property in favour of his son L.Jagathesan (who is the proposed respondent herein) under a registered settlement deed dated 2.2.2009 which is improper and also sham and nominal document and at any event which will not bind on the petitioners and also not curtailed our right over their respective shares in the above property. In any event the proposed party is necessary party to the appeal suit. Hence, the petition.

3. The point that arises for consideration is whether the application is liable to be allowed.

4. Point :

The contention of the petitioner / appellant that the deceased 1st respondent settled the property in favour of his son, the proposed party. The 1st respondent already on record. During the pendency of the proceedings he expired. Therefore the proposed party who is the son of the 1st respondent is already allowed to be impleaded as per Order in I.A.No.7/2023 dated 01.11.2023. Subsequently the consequential amendment petition in IA 8/2024 also allowed on 22.3.2024. Thereby the proposed respondent is already impleaded as party to the appeal as 2nd respondent as per the orders in the above said IAs. Therefore this application is unnecessary and repetition, hence liable to be dismissed.

5. **As the result, petition dismissed. No cost.**

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 5th day of September 2024.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.