

In the Court of the Principal District Judge,
Kancheepuram District at Chengalpattu.

Present :- Thiru. R.Selvakumar, B.A.M.L.
Principal District Judge.

Wednesday the 17th day of January 2018

I.A.No. 851/2017 in O.S. No. 39/2013

M.Varadha Pillai.

..Petitioner/Plaintiff.

//Versus//

K.Ellappan.

..Respondent/Defendant.

J.Adhikesavan.

..Respondent/Proposed 2nd
defendant.

WEB COPY
This petition is coming on 04.01.2018 before me for final hearing in the presence of Thiru N.Khaleel Ahmed, Advocate for the petitioner, Tvl.K.Ayyasamy, S.Senthil Kumaran and S.Jothi, Advocates for respondents, upon hearing the arguments of both sides, upon perusing the records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This petition has been filed Under Order 1 Rule 19(2) and Section 151 of CPC to implead the 2nd Respondent as 2nd defendant in the suit.

2. Point for Consideration :

Whether the petition deserves to be allowed?

3. Point :

This application has been filed Under Order 1 Rule 19(2) CPC to implead the third party as defendant in the suit. As per petition averments the suit has been filed for declaration of title and

injunction. Pending suit the defendant executed a sale deed in favour of the 2nd Respondent in respect of 4 cents in the suit property. For proper adjudication the purchaser the 2nd respondent has to be impleaded as party to the suit and thus he prays for impleading him as a party.

4. The suit was filed on 14-03-2013. The alienation in favour of the 2nd respondent by the first respondent was on 08.08.2013. Obviously the sale is during the pendency of the suit. The property sold to the 2nd respondent by the first respondent forms part of the suit property is not disputed. Under such circumstances, impleading the 2nd respondent as a party to the suit appears to be just and necessary. The objection raised is that the application is highly belated. The petitioner contends that he came to know about the sale very recently. Since the alienation is during the pendency of the suit this court finds fit to allow this petition.

5. In the result, this petition is allowed. No costs.

Dictated to the Stenographer, taken down, transcribed and computerized by her, corrected and Pronounced by me in open Court, this the 17th day of January 2018.

*

Sd/-R.Selvakumar
Principal District Judge,
Chengalpattu.

Both side Witnesses and Exhibits:

NIL.

Sd/-R.SK
P.D.J
CPT.