

S.A.No.498 of 2024

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N.MALA,J.

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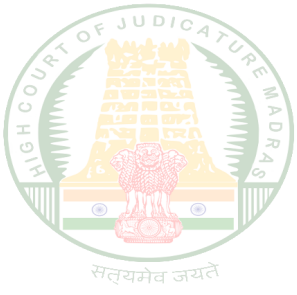
Heard Mr.S.Kaithamalai Kumaran, learned Senior Counsel appearing for the appellant.

2.Upon hearing and on perusal of the substantial questions of law proposed by the appellant, this Court is inclined to admit the Second Appeal on the following

Substantial Questions of Law:

“i) Whether the provisions of Order 2 Rule 2 of C.P.C would bar the present suit in O.S.No. 482 of 2014 on the file of I Additional District Munsif, Erode especially when the earlier decree between the same parties for the same suit schedule properties in O.S.No.378 of 2010 on the file of District Munsif, Erode was dismissed and was confirmed in A.S.No.2 of 2013 on the file of I Additional Sub Judge, Erode?

ii) Whether the Courts below are right in decreeing the suit when the suit is bad for non-joinder of necessary parties (the parties in the earlier suit were not added as party defendant in the present suit) as the propsed party wherein occupation and enjoyment of the suit schedule properties based on Ex.X-3 dated 22.02.2008?



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iii) Whether the Courts below are right in decreeing the suit only based on the Commisisoner's report and plan especially when the plaintiff had not discharged his burden of proof by necessary oral and documentary evidence?"

3. Notice to the respondents returnable by 13.08.2024. Private notice is also permitted.

Registry is directed to call for records and post the matter on 20.08.2024.

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24.07.2024

(1/2)

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