



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

CMP No. 28266 of 2025

in

A.S.No.153 of 2014

V.Thiagarajan,
S/o.Valliappa Chettiar, 4/14, Reddypatti
Main Road, Mamangam,
Salem -636 302.

Appellant(s)

Vs

1. K. Paramasivam
S/o Kandasamy 3/165,
Kandakulamanicka Village And Post,
Sankari Taluk, Salem District.

2.P. Bhuvaneswari
W/o K. Paramasivam 3/165,
Kandakulamanicka Village And Post,
Sankar Taluk, Salem District

3.R. Manickam
S/o Late Rangasamy
Kandarkulamanicka Village And Post
Sankari Taluk, Salem District.

4.B. Balasubramaniam
S/o Late Rangasamy
Kandarkulamanicka Village And Post,
Sankari Taluk, Salem District.

P. Jayakumar (died)
S/o K. Paramasivam 9, Vasantha Main
Road Singanallur Post, Coimbatore
Taluk And District.



5.P. Geetha
D/o K. Paramasivam 3/165,
Kandakulamanicka Village Land Post,
Sankari Taluk, Salem District.

6.T.K.N. Masilamani
S/o T.K. Natesa Mudaliar
Maniyakkarar Thottam Attayampatti
Village Salem Taluk And District.

7.G. Venkatesan
S/o Lgurusamy 49, A. Kongu Nagar,
Gulon Thoppu Karungalpalayam
Erode -3.

8.M. Maragathavalli
S/o T.K.N. Masilamani Maniyakkarar
Thottam, Attyampatti Village, Salem
Taluk And District.

9.P. Sivalingam
S/o Periyanna Gounder, Vaniyambadi
Village, Salem Taluk And District.

10.K. Sakthivel
S/o Kandasamy Gounder, 4/156
Bangalow Thottam Uthamasolapuram
Salem -10

11.R. Ramesh
S/o Ramachandran No. 11, Mgr Nagar
Seelanaickanpatti Salem 636 201

12.A, Sakhivel
S/o Arthanari Gounder Punchalkkadu
Poolavari Agraharam Salem Taluk And
District.

13.Mrs.Priya, W/o.Late Jayakumar
9, Vasantha Main Road Singanallur
Post, Coimbatore Taluk And District.

14.Master Sachin,(16 Years), S/o.Late
Jayakumar



Represented By Natural Guardian
Mother (13th Respondent) 9, Vasantha
Main Road Singanallur Post,
Coimbatore Taluk And District.

15.M/s.Annapoorani
Shanmugasundram Construction (P)
Ltd.,
Rep.by its Managing Director,
NH 47, Sankari Main Road,
Ariyanoor, Salem – 636 308.

16.V.Nihal Chand,
S/o.Vijayaraj

17.V.Dhinesh Kumar,
S/o.Vijayaraj

Both respondents No.17 and 18 are
residing at No.71/25, Sankar Nagar,
Salem – 7.

18.M/s.Mahalakshmi Media (P) Ltd.,
Rep.by its Managing Director,
Old No.194, New No.216, Rayapettah,
Bharathi Salai, Chennai – 600 014.

Respondent(s)

Prayer:

To implead respondent Nos.15 to 18, in the present petition as proposed respondents in A.S.No.153 of 2014 and pass such further other order as this Hon'ble Court may deem fit in the facts and circumstances of the case.



For Appellant(s): Mr.R.Parthasarathy
Senior Counsel
For Mr.Rahul Balaji

For Respondent(s): Mr.R.Nalliappan
(For R12)

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This Civil Miscellaneous Petition has been filed by the appellant, seeking to implead respondent Nos.15,16,17 and 18 as further respondents in the appeal.

2. In the affidavit filed, it has been stated that the entire appeal arises out of a suit for specific performance, which had been partly decreed with respect to the shares of the 1st and 2nd defendants and also the deceased brother of the first defendant. But however, insofar as the Legal Representatives are concerned, it was held by the trial Court that there was no necessity to enter into an agreement of sale on their behalf and to that extent, the suit was dismissed. Questioning those observations, the present appeal has been filed, seeking specific performance of the entire property covered under the agreement.

3. Even when the suit was filed, the defendants/owners of the properties were categorized as defendants 1 to 6. Defendants 7, 8 and 9 have been impleaded only because they had advanced money to the defendants 1 to 6.



4. It is contended by the learned Senior counsel that the plaintiff later came to know that they have also obtained a decree and attachment over the suit properties and therefore, though they may not be necessary parties, they were proper parties to be present when any adjudication is made on the agreement of sale.

5. At that stage, defendants 10 to 13 had been impleaded, as they had purchased the properties in spite of the agreement in favour of the appellant herein/plaintiff in the suit.

6. It is now contended that the said defendants 10 to 13 had made further encumbrance over the suit property in favour of the proposed respondents herein namely respondents 15 to 18. It is contended that since the Court had permitted the subsequent purchasers namely defendants 10 to 13, to be impleaded in the suit, it would only be appropriate that the persons who have subsequently purchased substantial portions of the suit property from them are also brought on record as respondents, as any order either granting or denying specific performance ought to be passed in their presence. Though, they may not be necessary parties, they would certainly be categorized as proper parties.



7. Notice had been directed in this petition and the same has been served.

Even during the previous hearing, a representation was made by a learned counsel for the proposed respondents. However, vakalat has not yet been filed and it was stated that the same would be filed shortly.

8. We are not comfortable with repeated representations being made without filing vakalat and seeking further time for filing counter, as it only tends to drag on the proceedings. We therefore deem it appropriate to allow this miscellaneous petition and permit the proposed respondents to be impleaded, granting them liberty to advance their arguments in the appeal itself.

9. Taking that view, this Civil Miscellaneous petition in CMP.No.28266 of 2025 in A.S.No.153 of 2014 stands allowed. No costs.

10. Registry to carry out the necessary amendments in the cause title by impleading the proposed respondents as further respondents in the appeal suit.



11. Since notice has already been served, no further notice is required, but it is only proper that the said respondents engage a counsel who files vakalat at the earliest.

(C.V.K., J.) (K.B., J.)
15-12-2025
(1/2)

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Note: Registry is directed to carry out the necessary amendments in the cause title.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.K.Paramasivam,
S/o.Kandasamy, 3/165,
Kandakulamanicka Village and Post,
Sankari Taluk, Salem District.

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Sankari Taluk, Salem District.

3.R.Manickam,
S/o.Late Rangasamy,
Kandarkulamanicka Village and Post,
Sankari Taluk, Salem District.

4.B.Balasubramaniam,
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Taluk and District.



14. Master Sachin,
S/o. Late Jayakumar, Represented by
Natural Guardian Mother (13th
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Sankar Nagar, Salem -7.

17. V. Dhinesh Kumar,
S/o. Vijayaraj, Residing at No.71/25,
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