



WEB COPY

CRP No. 1446 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1446 of 2026

AND

CMP NO. 6933 OF 2026

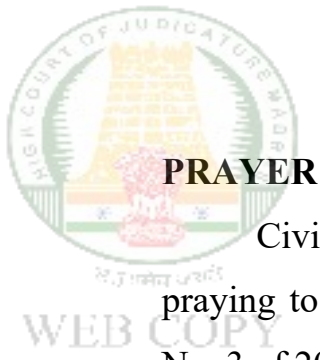
P.G.Venugopal
S/o. Govindaraj
No. 1/33, Bajanai Kovil Street
Pillari Village, Ladavaram Post
Arcot Taluk, Ranipet Dist. 632 503
Now came down to Ambattur
and residing at MMDA Colony
Chennai 102

..Petitioner(s)

Vs

1. Nafeez Jawahir
S/o. M.K. Jawahir,
Rep by his Power Agent M.Arul Swamy, S/o.
Michael Raj,
No. 5/777, Kavinmani Salai, Mogappair,
Chennai 102.
2. N.Elavarasan
S/o. G.Natesan
No. 66-A, Thozur Kuppam, Thiruvur Post,
Thiruvallur Taluk, Thiruvallur Dist.
3. V.Vidhya Sagar
S/o. P.G. Venugopal
No. 6160, HIG, TNEB Ayapakkam
Chennai 77
4. V.Mohanraj
S/o. P.G. Venugopal
No. 6160, HIG, TNEB, Ayapakkam
Chennai 77

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair and Decretal order dated 12.01.2026 made in IA No. 3 of 2025 in OS No. 1239 of 2023 passed by the Sub Court, Ambattur.

For Petitioner(s): Mr. G.Krishna Kumar

For Respondent(s): Mrs.G.Uma Maheswari For R1

ORDER

Challenging the impugned order passed in I.A.No.3 of 2025 in O.S.No.1239 of 2023 by the learned Sub-Judge, Ambattur, the Revision Petitioner/defendant preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/defendant filed an application in I.A.No.3 of 2025 praying to implead the proposed respondents 2 to 4/third parties said to be purchasers of the property. The respondents 2 to 4/proposed third parties raised objections stating that the 1st respondent/plaintiff has no right to claim any relief of specific performance and the alleged agreement is not true and valid one. Further, he would submit that to drag on the proceedings, the said application was filed at the stage of trial and during the cross-examination of P.W.1. Even if the property is sold, it would hit by principles of lis pendens. Considering both side submissions, the trial judge finally held that though the transfer is hit by principles of lis pendens, the transferees are the necessary parties to the proceedings. So, in the above suit for



specific performance, the transferees became proper parties to the proceedings.

Accordingly, the said application was allowed. Aggrieved over that, the Revision Petitioner preferred this Civil Revision Petition.

3.The learned counsel for the revision petitioner/defendant would submit that based on the alleged agreement of the year 1999, the plaint was presented only in the year 2007 and the case was taken on file only in the year 2009. Further, only in order to harass the defendant, the plaintiff came forward with the false claim and filed a petition to implead the proposed respondents. But, the plaintiff has not approached the court with clean hands. But, the trial court failed to appreciate the same and erroneously allowed the application.

4.Admittedly, pending suit, the Revision Petitioner/defendant had conveyed the property to third parties and to avoid multiplicity of proceedings, the plaintiff wanted to implead respondents 2 to 4 in the suit.

5. On perusal of records, the fact reveals that the suit was filed in the year 2007, but the process was started only in the year 2009 and the agreement is of the year 1999 relied on by the plaintiff. Admittedly, pending proceedings, the property was sold by the defendant. To avail a specific relief, the plaintiff has to prove his case and if the property is sold, it hits principles of lis pendens and as per Order XXII Rule 10 of C.P.C., it would protect the plaintiff. Therefore, the



impleading parties are not necessary and they are not concerned with the alleged agreement pertaining to the suit. Considering that, this Court is inclined to set aside the findings rendered in I.A.No.3 of 2025 in O.S.No. 1239 of 2023 by the Sub-Judge, Ambattur. However, the suit is pending from the year of 2009, the trial judge is directed to proceed with the trial and dispose the case within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The Sub-Court, Ambattur.



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T.V.THAMILSELVI J.

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