



CRP No. 3825 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

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CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3825 of 2026

and

CMP No. 16608 of 2026

1. Muthulakshmi
2. Dinakaran
3. Viswanathan
4. Menaka
5. Valliyammal
6. Muthusamy
7. M.Karthikeyan

Petitioner(s)

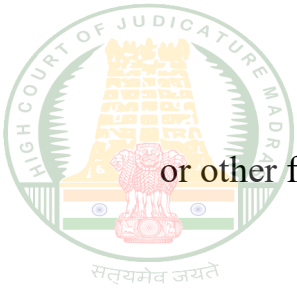
Vs

1. D.Sivakumar
- 2.M.Shenbagam
- 3.Chellammal
- 4.S.Kuppusamy
- 5.S.Praveenkumar
- 6.Parvatham
- 7.Samiathal

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and final order made in IA No.1 of 2024 in AS No.135 of 2018 dated 30.06.2025 on the file of the Principal District Judge, Erode and pass such



or other further orders as this Court may deem fit and thus render justice.

For Petitioner(s): Mr.P.K.Harinath Babu For
Mr.P.Muthukumarasamy

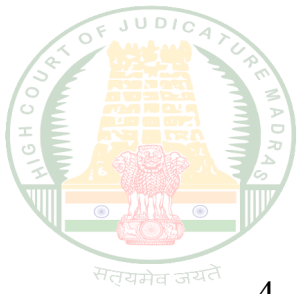
For Respondent(s):

ORDER

This Civil Revision Petition has been filed, challenging the impugned order dated 30.06.2025 passed by the Principal District Court, Erode, in I.A. No.1 of 2024 in A.S. No.135 of 2018.

2. In the aforesaid order, the impleading application filed by a third party in A.S. No.135 of 2018 has been allowed. The petitioners are the appellants in A.S.No.135 of 2018, pending on the file of the Principal District Court, Erode. The suit was filed for partition. Aggrieved by the judgment and decree passed by the trial Court, the petitioners have preferred the appeal in A.S. No.135 of 2018.

3. The first respondent, who is a subsequent purchaser of two items in the suit schedule property during the pendency of the appeal in A.S. No.135 of 2018, filed I.A. No.1 of 2024 seeking to implead himself as a party respondent to A.S. No.135 of 2018, which has been allowed through the impugned order dated 30.06.2025.



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4. The learned counsel for the petitioners would submit that the application filed by the third party in I.A. No.1 of 2024 is not maintainable as it is hit by *lis pendens* as per the provisions of Section 52 of the Transfer of Property Act. Whether the first respondent was impleaded or not in A.S. No.135 of 2018, the provisions of Section 52 of the Transfer of Property Act as claimed by the petitioners in this civil revision petition may apply.

5. The trial Court has allowed the application filed by the first respondent, seeking to implead himself as a party respondent to the appeal filed by the petitioners on the ground that he is the subsequent purchaser of two items in the suit schedule property.

6. No prejudice will be caused to any of the parties if the first respondent is allowed to be impleaded as a party respondent in the appeal filed by the petitioners in A.S. No.135 of 2018. If the petitioners are able to convince the appellate court that the first respondent, being a purchaser during the pendency of the partition suit and if the petitioners succeed in the partition suit, necessarily, Section 52 of the Transfer of Property Act viz., *lis pendens* shall



apply. It all depends upon the final outcome of A.S. No.135 of 2018 pending on the file of the Principal District Court, Erode.

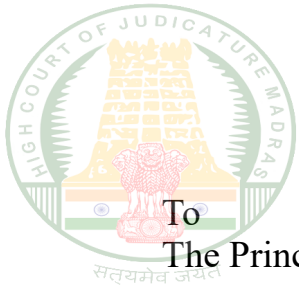
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7. Having allowed the application viz., I.A. No.1 of 2024, by the trial court, the question of interfering through this civil revision petition does not arise, as the impugned order will not prejudice the rights of any of the parties to the appeal in A.S. No.135 of 2018 pending on the file of the Principal District Court, Erode as the respective parties will have to establish as to whether Section 52 of the Transfer of Property Act, namely the *lis pendens*, shall apply or not in the appeal viz., A.S. No.135 of 2018.

8. Accordingly, this Court is not interfering with the impugned order and this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

15-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Principal District Judge, Erode.

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ABDUL QUDDHOSE J.

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