



C.R.P.No.3040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.3040 of 2022
and C.M.P.No.16390 of 2022

1. Balasundaram
2. Adhikesavan

... Petitioners

Vs.

1. Karunakaran
(Power Agent Rajasekar)
2. S.Jayabalan
3. G.Senthilkumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the II Additional District Munsif Court at Kallakurichi, dated 14.07.2022 in I.A.No.132 of 2022 in O.S.No.99 of 2018.

For Petitioner : Mr.P.Valliappan, Senior Advocate

For Respondents : No Appearance

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the fair and decreetal order dated 14.07.2022 passed by the learned II Additional District Munsif,

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Kallakurichi, in I.A.No.132 of 2022 in O.S.No.99 of 2018, wherein the application filed by the petitioners under Order I Rule 10 of the Code of Civil Procedure to implead the petitioners as defendants in the suit, came to be dismissed by the Court below.

2. This Court heard Mr.P.Valliappan, learned Senior Counsel appearing for the petitioners, carefully considered the materials available on record and perused the order passed by the Court below.

3. The respondents have been served with notice and their names have also been printed in the cause list, however, there is no appearance either in person or through counsel.

4. The first respondent has filed the suit in O.S.No.99 of 2018 seeking the relief of declaration and permanent injunction. When this suit was pending, the defendants/respondents 2 and 3 sold the properties in favour of the petitioners by a registered sale deed dated 09.07.2019. In view of the same, the petitioners filed I.A.No.132 of 2022 to implead themselves as defendants 3 and 4 in the suit. The Court below, by an order dated 14.07.2022, dismissed the application. Aggrieved by the same, the present civil revision petition has been filed before this Court.



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5. The Court below has dismissed the application mainly on the ground that the petitioners are pendente lite purchasers and therefore, they need not be added as parties to the proceedings.

6. The issue involved in the present case is squarely covered by the judgment of the Apex Court in *Yogesh Goyanka vs. Govind and Others*, reported in (2024) 7 SCC 524. The relevant portions are extracted hereunder:-

“16. The fulcrum of the dispute herein concerns the impleadment of a transferee pendente lite who undisputedly had notice of the pending litigation. At the outset, it appears pertinent to reiterate the settled position that the doctrine of lis pendens as provided under Section 52 of the Act does not render all transfers pendente lite to be void ab initio, it merely renders rights arising from such transfers as subservient to the rights of the parties to the pending litigation and subject to any direction that the Court may pass thereunder.

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19. The respondents herein assail the impleadment of the appellant on the ground that he is not a bona fide purchaser as he had full knowledge of the pending litigation. While that is the admitted position, there exists



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no bar to the impleadment of transferees pendente lite with notice. Permitting the impleadment of a transferee pendente lite is, in each case, a discretionary exercise undertaken to enable a purchaser with a legally enforceable right to protect their interests especially when the transferor fails to defend the suit or where there is a possibility of collusion.”

7. In view of the above judgment, the petitioners having become the purchasers of the property, they have to safeguard their interest of the property, since respondents 2 and 3 are no longer interested in prosecuting this case. Hence, this Court holds that the petitioners are necessary parties in the suit. Consequently, the fair and decretal order dated 14.07.2022 passed by the Court below is set aside. The petitioners shall be impleaded as defendants 3 and 4 in the suit.

8. In the result, this Civil Revision Petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

13.08.2026

Neutral Citation: Yes/No
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To

The II Additional District Munsif,
II Additional District Munsif Court,
Kallakurichi,



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N. ANAND VENKATESH, J.

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