

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1379 of 2015 &
M.P.No.1 of 2015

Moganambigai

... Petitioner

v.

1.Sathiya
2.Jayasudnari
3.Puma Marine

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 03.02.2015 made in I.A.No.1583 of 2014 in O.S.No.111 of 2013 on the file of the learned Principal District Judge, at Puducherry.

For Petitioner : Mr.V.V.Sairam

ORDER

Challenging the fair and final order passed in I.A.No.1583 of 2014 in O.S.No.111 of 2013 on the file of Principal District Munsif Court, Puducherry, the defendant has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No. 111 of 2013 for specific performance. The defendant filed her written statement wherein, she has stated that she sold the property to the proposed parties on 27.8.2013. Thereafter, the defendant took out an application in I.A.No.1583 of 2014 under Order I Rule 10(2) of C.P.C. to implead the purchasers of the property from her. The plaintiff filed her counter affidavit wherein, she has stated that the proposed purchasers are not bona fide purchasers for valuable consideration without notice of the earlier sale agreement between the plaintiff and the defendant. That apart, the plaintiff has also stated that the defendant had sold the the property to some third parties when the suit for specific performance is pending before the trial court, which is against the principles of doctrine of lis pendence, under section 52 of the Transfer of Property Act.

3. The trial court, after taking into consideration the case of both the parties, dismissed the application finding that the proposed parties are total stranger and third parties to the suit sale agreement and that they are not necessary parties for proper adjudication of the suit.

4. The present application has been filed by the defendant at the stage of trial. When the plaintiff herself has not taken any steps to implead the purchasers of the property, the defendant has filed the application to implead

the purchasers. Even the purchasers have not filed any application to get themselves impleaded in the suit. If the purchasers are really aggrieved by the filing of the suit by the plaintiff, they could have filed an application to get themselves impleaded in the suit, which was not done by the purchasers.

5. Though there is no dispute with regard to the settled position that the subsequent purchasers are also necessary parties in a suit for specific performance, in the case on hand, the application to implead the proposed parties was not done neither by the plaintiff nor by the purchasers. The application has been filed by the defendant to implead the purchasers.

6. In these circumstances, the trial court has rightly dismissed the application. I find no error or irregularity in the order passed by the trial court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2015

Index : No
Internet : Yes

Rj

To

The Principal District Judge,
Puducherry.

M. DURAISWAMY,J.,

Rj

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