

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 15.02.2016**

**CORAM**

**THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR**

**C.R.P (PD) No.432 of 2016**

**&**

**C.M.P.No.2245 of 2016**

P.Palanivel

... Petitioner

vs.

1.G.Baskaran

2.V.R.Babu Veerapan

3.V.R.Meenakshi

4.L.Uma

P.Rajendran

5.R.Kamala

6.R.Nandhini

7.R.Amirthaganesh

8.Minor.Anugraha

Rep. By Mother and guardian R.Kamala

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order dated 24.04.2015 passed in I.A.No.31 of 2013 in O.S.No.7 of 2011 on the file of the District Judge, Nagapattinam.

For Petitioner : Mr.G.Vasudevan

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**ORDER**

Heard Mr.G.Vasudevan, learned counsel for the petitioner.

2. In a suit between the vendor and the purchaser under an agreement for sale for the relief of specific performance of the agreement, a third party claiming to be a cultivating tenant, has chosen to prefer an application for getting impleaded as a party defendant on the premise that he may be thrown out based on the decree that may be granted in favour of the plaintiff in the specific performance suit. Such an apprehension is unfounded.

3. Whatever right the vendor does have alone shall get transferred by the conveyance deed to be executed in case the plaintiff emerges successful in the suit for specific performance. If the third party, who claims to be the cultivating tenant, is a person protected under a statute, such protected right cannot be impeded by the mere decree of specific performance in which he is not a party. Hence, the Court below has not committed any error in dismissing the application of the revision petitioner herein seeking his impleadment in the original suit O.S.No.2660 of 2013 in which the relief of specific performance has been sought for. There is no merit in the revision petition and the same deserves dismissal at the threshold.

Accordingly, the revision petition is dismissed. No costs.  
Consequently, the connected miscellaneous petition is closed.

**15.02.2016**

Index: Yes/No  
Internet: yes/No  
gpa

To

The District Judge  
Nagapattinam

**P.R.SHIVAKUMAR.J.,**

gpa

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