

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P.(PD)No.1642 of 2017  
& C.M.P.No.7751 of 2017

P.V.Vaidyanathan

.. Petitioner

Vs.

- 1.Yashodammal
- 2.Yagneshwaran
- 3.Logeshwaran
- 4.Mrs.Kalaivani
- 5.Dhaneshwaran
- 6.Mrs.Kalaiselvi
- 7.Mrs.Sasirekha
- 8.J.Mahalingam
- 9.Vijayarajeswaran
- 10.Mrs.V.Revathy
- 11.Ms.Sumithra
- 12.Mrs.D.Vani
- 13.Mrs.Deivam
- 14.Manikanda Prabhu
- 15.Rajkumar
- 16.R.Vivek Sundaram
- 17.Vasegar
- 18.Sundaramurthi
- 19.B.Ramaraj
- 20.Manickavel
- 21.Barathi
- 22.G.Saravanan
- 23.Mrs.Mahalakshmi
- 24.Mrs.Devi Sekaran
- 25.Mrs.Rukmani

26.Baskaran  
27.Suruli Sikian  
28.Mrs.P.Sowdeeswari  
29.Lagumaiah  
30.M.Kartheeswaran  
31.Mrs.C.Selvi  
32.T.K.Krishnan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 12.09.2016 made in I.A.No.481 of 2015 in O.S.No.92 of 2001 on the file of the Additional District Munsif Court, Alandur.

For Petitioner : Mr.Venkatesh Mahadevan

### ORDER

This Civil Revision Petition has been filed against the order dated 12.09.2016 made in I.A.No.481 of 2015 in O.S.No.92 of 2001 on the file of the Additional District Munsif Court, Alandur.

2. The petitioner is the third party, respondents 1 to 3 are the plaintiffs and respondents 4 to 32 are the defendants in O.S.No.92 of 2001 on the file of the Additional District Munsif Court, Alandur. The respondent 1 to 3 filed the suit against the respondents 4 to 29 for permanent injunction restraining the defendants 5 to 29 from

interfering with the peaceful possession and enjoyment of the respondents' 1 to 3 over the A schedule property, for mandatory injunction directing the 15<sup>th</sup> and 16<sup>th</sup> defendants to demolish the illegal constructions put by them in B and C schedule properties respectively and for permanent injunction restraining the defendants 5 to 29 from creating any encumbrance or alienating the A schedule property. The other respondents filed written statement and are contesting the suit.

3. The petitioner filed I.A.No.481 of 2015 for impleading himself as 30<sup>th</sup> defendant in O.S.No.92 of 2001. According to the petitioner, he is subsequent purchaser and he purchased the portion of the suit property by the deed of sale in the year 2008 and he is in possession of the property purchased by him as a owner. Petitioner filed O.S.No.861 of 2010 against the respondents 1 to 3 on the file of the Principal District Munsif Court, Alandur, for injunction. The respondents 1 to 3 have filed written statement on 19.07.2011 stating that they already filed a suit in O.S.No.92 of 2001 in respect of the entire property measuring about 1 Acre and 40 Cents comprised in Survey No.117/2B1D of Okkiyam Thuraipakkam Village. It is further stated that status-quo order was

granted. In the circumstance, the petitioner filed I.A.No.481 of 2015 for impleading himself as 30<sup>th</sup> defendant in the above suit.

4. Third respondent filed counter affidavit in the said application and opposed the same. The third respondent stated that petitioner knowing fully well of the pendency of the suit and order of status quo granted in O.S.No.92 of 2001, purchased the property. The petitioner's vendor's vendor is the party to the suit. The petitioner will not get any better right than his vendor's vendor.

5. The learned Judge considering the averments made in the affidavit, counter affidavit, materials available on record and nature of the relief sought for in the suit, dismissed the application holding that if any order passed against the petitioner's vendor's vendor will be binding on the petitioner, he is not a necessary and proper party to O.S.No.92 of 2001.

6. Against the dismissal order dated 12.09.2016 made in I.A.No.481 of 2015, this civil revision petition is filed by the petitioner/third party.

7. The grievance of the petitioner is that he is a subsequent purchaser of the portion of the property and he is in possession of the portion of the suit property as owner. In view of the said fact, he is necessary and proper party to the suit. The suit is for permanent injunction against the respondents 4 to 29. It is for the respondents 1 to 3/plaintiffs to prove their possession and averments that the other respondents are trying to interfere with their possession. The petitioner's vendor's vendor is a party to the suit.

8. Heard the learned counsel for the petitioner and perused the materials available on record.

9. The learned Judge considering these facts and rightly held that any order passed against the petitioner's vendor's vendor will be binding on him. In view of the fact that in the relief of injunction as sought for in the suit and the question of title is not an issue in the suit, the petitioner is not a necessary and proper party to the suit.

10. The learned Judge considering all the materials available on record rightly dismissed the application by giving cogent and valid reasons. There is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 12.09.2016.

11. In the result, this Civil Revision Petition is dismissed. Since the suit is of the year 2001, the trial Court is directed to dispose the suit in O.S.No.92 of 2001 as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2017

Index : Yes/No

dm/kj

To

The Additional District Munsif Court,  
Alandur, Kanchipuram District.

**V.M.VELUMANI, J.**

dm/kj

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