

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) NO.2146 OF 2017

AND

CMP NO.10258 OF 2017

1.Pandurangam Pillai
2.Maragatham
3.Kittappa @ Ganesh
4.Santhosh Kumar

... Petitioners

Vs.

1.Amirthavalli @ Panchavarnam
2.Arunachalam @ Madhavan
3.Nithya
4.Porchelvi
5.Kalaivani
6.P.Kalaivani
7.Senthil Kumar
8.Sridevi
9.Devika

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree dated 21.12.2016 made in I.A.No.1721 of 2015 in O.S.No.2160 of 2014 on the file of Principal District Munsif Court, Pondicherry.

For Petitioner : Mr.D.Ravichander

ORDER

The petitioners have filed the present Civil Revision Petition challenging the order dated 21.12.2016, passed in I.A.No.1721 of 2015 in O.S.No.2160 of 2014, by the learned Principal District Munsif, Pondicherry.

2. The petitioners have filed a suit for declaration and permanent injunction. In the meanwhile, it appears that respondent nos.1 and 2 have sold out few plots to respondent nos. 3 to 9 herein / proposed parties. They are sought to be impleaded for the purpose of avoiding multiplicity of proceedings. The Trial Court has dismissed the application that any sale during pendency is hit by *lis pen dense* and the proposed parties are not necessary parties as they cannot have a better title than their vendors. The respondents have also in the counter affidavit filed by them in the impleading petition state that any decision passed against the vendor, will automatically binding on the proposed parties. When the right of the vendor itself is decided by the Court, automatically it will bind on the subsequent purchasers also. Therefore, the Trial Court has dismissed the impleading petition holding that they are not necessary parties.

3. It is well settled that any decision taken against the vendor will be binding on the subsequent purchasers also. The presence of the proposed parties is noway assist the Court in deciding the title to the property nor will it affect any independent right of them. The petitioners/ plaintiffs can proceed with the suit and it is not necessary to implead the subsequent purchasers as parties. Therefore, the finding of the Trial Court in I.A.No.1721 of 2015 in O.S.No.2160 of 2014 is correct and requires no interference.

4. The Trial Court is directed to dispose of the suit in O.S.No.2160 of 2014 as expeditiously as possible.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

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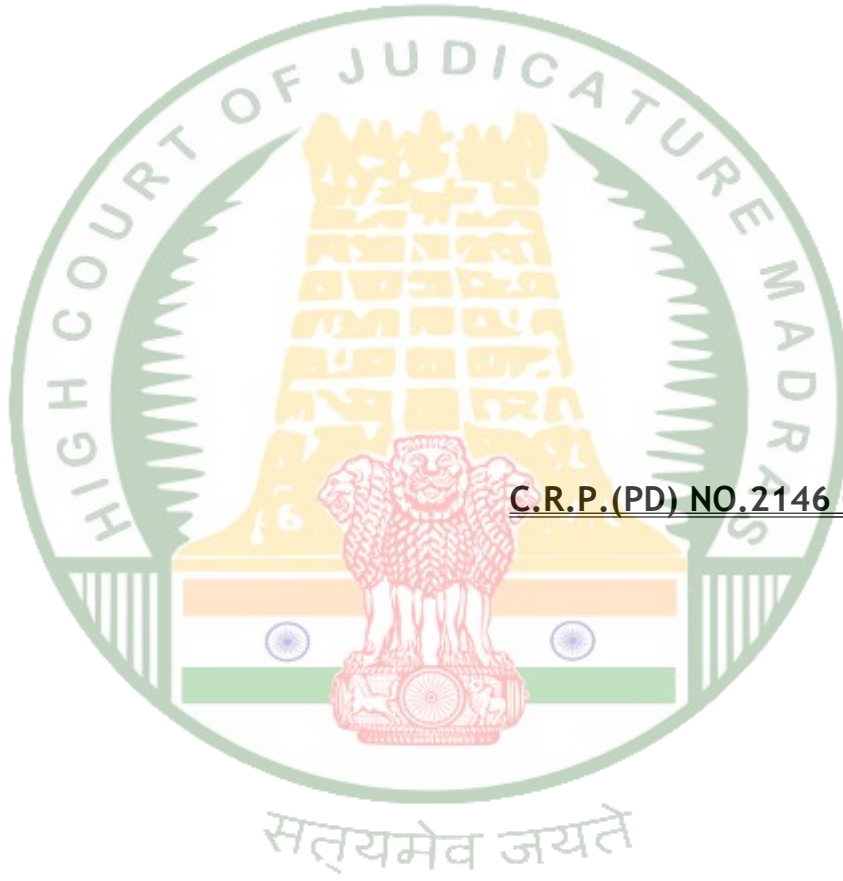
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To

The Principal District Munsif
Pondicherry.

M.GOVINDARAJ, J.

TK



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