

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**C.R.P.(PD) No.3321 of 2014  
and M.P.No.1 of 2014**

1.R.Arumugham  
2.R.Ramajayam  
3.S.Nagappan  
4.D.Shanmugham  
5.S.Velmurugan  
6.S.Rajeswari  
7.S.Ramajayam  
8.S.Gnanamurthy  
9.M.Lalitha  
10.P.Rani  
11.Palani

...

Petitioners

Vs

1.Salai Karunakaran  
2.N.Malar Kodi

...

Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.06.2014 passed in I.A.No.46 of 2012 in O.S.No.6 of 2011 on the file of 1<sup>st</sup> Additional District and Sessions Judge, Vellore.

For Petitioners : Mr.R.Siddharth

For Respondents : M/s.TKS Bharathy Anandraj  
for R1

**ORDER**

This Civil Revision Petition has been filed against the fair and decreetal order dated 30.06.2014 passed in I.A.No.46 of 2012 in O.S.No.6 of 2011 on the file of 1<sup>st</sup> Additional District and Sessions Judge, Vellore.

2. The petitioners are third parties to the suit. The first respondent is the plaintiff and the second respondent is the defendant in the suit in O.S.No.6 of 2011 on the file of 1<sup>st</sup> Additional District and Sessions Judge, Vellore. The first respondent filed the above suit against the second respondent and one S.Lakshmi for specific performance of agreement of sale dated 06.05.2005. The second defendant/Lakshmi died subsequent to filing of the suit. The second respondent filed written statement on 07.12.2010 and is contesting the suit. The first respondent filed I.A.No.46 of 2012 for impleading the petitioners herein as defendants 3 to 13 in the suit. According to the first respondent, the second respondent sold a portion of the suit properties to the petitioners herein. The first respondent, on coming to know about the sale, immediately filed application for impleading the subsequent purchasers, in order to avoid multiplicity of proceedings and they are necessary and proper parties to the suit.

3. Counters have been filed by the 2<sup>nd</sup> respondent and 3<sup>rd</sup> petitioner adopted by petitioners 1 and 10, 4<sup>th</sup> petitioner adopted by petitioners 2 and 5 to 9. In the counter filed by the petitioners 2, 4 and 5 to 9, they have stated that they purchased the property only after the first respondent failed to perform his part of contract within one year and hence the claim against them is barred by limitation. The other petitioners denied having purchased portion of the property from the second respondent. The learned Judge, considering the averments in the affidavit and counter affidavit, allowed the application in order to avoid multiplicity of proceedings.

4. Against the said order dated 30.06.2014 made in I.A.No.46 of 2012 in O.S.No.6 of 2011, the present Civil Revision Petition is filed by the petitioners.

5. Heard the learned counsel for the petitioners as well as first respondent and perused the materials available on record.

6. The contention of the learned counsel for the petitioners is that the first respondent has not furnished the details when the petitioners purchased the property and the first respondent has not

filed the sale deed to substantiate his case. In a suit for specific performance, they are not necessary parties but in the present case, the first respondent has alleged that the petitioners purchased the properties from the second respondent. The petitioners 1, 3, 10 and 11 have denied purchase of the properties whereas the petitioners 2, 4 to 9 claimed to have purchased the property only after the first respondent committed breach of agreement of sale.

7. Whether the first respondent has committed any breach of agreement of sale, whether the suit is barred by limitation or whether the petitioners have purchased the suit property can be decided only after the evidence being let in and after appreciating the evidence let in by the parties. The learned Judge, considering all the above facts has allowed the application for impleading the petitioners, in order to avoid multiplicity of proceedings. In the above circumstances, I do not find any irregularity or illegality in the order dated 30.06.2014 passed in I.A.No.46 of 2012 in O.S.No.6 of 2011, warranting interference by this Court.

8. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. Since the suit is of the year 2011, the learned Judge is directed to

dispose of the same, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

24.11.2017

Speaking/Non-speaking order  
Index : Yes/No  
rgr

To

The 1<sup>st</sup> Additional District and Sessions Judge,  
Vellore.



WEB COPY

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

rgr



**C.R.P.(PD) No.3321 of 2014**

**WEB COPY**

**24.11.2017**