



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1551 of 2016

K.Selvaraj ... Petitioner/Petitioner/ Plaintiff

-vs-

1.V.Subramanian ... Respondent/Respondent/Defendant

2.N.Murugesan

3.K.Chidambaram ... Proposed Respondents/

Proposed Respondents

Prayer: Civil Revision Petition under Article 227 of the Constitution of India as against the order dated 11.02.2016 made in I.A.No.273 of 2015 in O.S.No.125 of 2007 on the file of the learned Principal Sub Court, Karur.

For Petitioners : Mr.M.Bindran

For Respondents :Mr.K.Govindarajan for R-1

No appearance R-2 and R-3

ORDER

The revision petitioner herein filed O.S.No.125 of 2007 on the file of the Principal Sub-court, Karur, seeking the relief of specific performance. During the pendency of the suit, it appears that the property in question has been sold in favour of the proposed respondents. In order to implead them, the revision petitioner had filed I.A.No.273 of 2015 and the same was dismissed on 11.02.2016. Questioning the said order, this Civil Revision

<https://hccs.certh.com.in/hccs/revise> filed.

2.Heard the learned counsel appearing on either side.



3. The learned counsel for the revision petitioner, placing reliance on the decision of the Honourable Supreme Court reported in the case of **Amit Kumar Shaw and another Vs. Farida Khatoon and another**, reported in **2005 (4) CTC 47**, contended that the purchaser *pendente lite* will have to be impleaded in the main suit. He, therefore, wanted the impugned order to be set aside.

4. I am unable to agree with the said submission of the revision petitioner's counsel. The decision relied upon by the revision petitioner is intended to protect the rights of the purchasers *pendente lite*. In this case, they did not want themselves to be impleaded. It is only the revision petitioner, who wants to implead them as defendants in the suit. That apart, the very genuineness of the suit agreement has been challenged by the original defendant. It appears that the document was referred for forensic opinion and that the report was given against the revision petitioner. The suit was filed in the year 2007. The impleading application has been filed in the year 2015. The proposed parties had purchased on 24.07.2007 and 28.11.2011. Thus, even the application for impleading was not filed within a reasonable time. Therefore, the court below was justified in forming the conclusion that the plaintiff wants to drag on the matter. The reasons given by the court below are sound and acceptable. There is no warrant for interfering with the order impugned in this Civil Revision Petition.



5. There is no merits in this Civil Revision Petition and the same stands dismissed. No costs.

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SD/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR (CSII)

To

1. The Principal Sub Judge, Karur

Copy to

2. The Section officer,

V.R. Section,

Madurai.

+1cc to Mr. M. Bindran, Advocate SR No. 78226

+1cc to K. Govindarajan, Advocate SR No. 77816

C.R.P. (MD) .No.1551 of 2016

NM/SKN/SAR 3/12.09.18/3P/6C