



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P. (PD) (MD) No. 2565 of 2015

and

M.P. (MD) No. 2 of 2015

1.A.Mohaideen Kani @ A.M.Kani

2.M.A.S.Kamaludeen

3.M.H.Syed Ibrahim

4.M.H.Noorul Ameen

5.S.Abdul Salam

6.S.S.Elias

7.S.M.B.Mohamed Noohu

8.M.M.Mohamed Aasan

.. Petitioners/Petitioners/Proposed
Defendants 2 to 9

Vs.

1.Selvaraj ..1st Respondent/1st Respondent/Plaintiff

2.Samuel Edi .. 2nd Respondent/2nd Respondent

Rep through Power agent Ramachandran

Prayer: This Civil revision petition is filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 27.03.2014 made in I.A.No.84 of 2012 in O.S.No.24 of 2012 on the file of the learned I Additional District and Sessions Judge, Tirunelveli.

For Petitioners

: Mr.M.Mohamed Ibram Siblu,

For M/s.Ajmal Associates

For Respondents

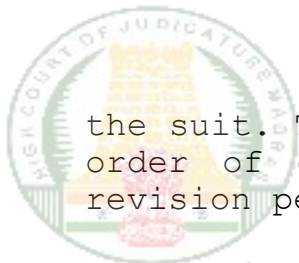
: No Appearance

ORDER

Heard Mr.M.Mohamed Ibram Siblu, learned counsel appearing for the petitioners.

2.This Civil Revision Petition has been filed against the order passed in I.A.No.84 of 2012 in O.S.No.24 of 2012 dated 27.03.2014 on the file of the learned I Additional District and Sessions Judge, Tirunelveli.

3.The petitioners herein are the proposed defendants 2 to 9, the first respondent herein is the plaintiff and the second respondent herein is the defendant in the suit. The first respondent herein has filed a suit in O.S.No.24 of 2012 for specific performance. In that suit, the petitioners have filed a petition in I.A.No.84 of 2012 to implead the petitioners as defendants 2 to 9 in



the suit. The petition was dismissed by the trial Court. Against the order of dismissal, the petitioners have come forward with this revision petition.

4. On the side of the petitioners, it is stated that even before the filing of the suit, the petitioners purchased the property from the original owner on 20.04.2011. The suit was filed only on 24.04.2012 but the trial Court has given a finding that the petitioners are strangers to the suit property.

5. The learned counsel appearing for the petitioners relied on the Judgment passed by the Hon'ble Supreme Court in the case of **Thomson Press (India) Ltd., v. Nanak Builders & Investors P. Ltd. & Others** reported in **2013 (2) CTC 104**, which reads as follows:

"Transfer in favour of appellant/Transferee pendente lite not void ab initio"

6. Though the name of the respondents are printed, none appears for the respondents.

7. It is seen that the suit is for a relief of specific performance and the sale agreement is alleged to have been executed by the power agent. The case of the petitioners is that the petitioners purchased the property from the original owner before the filing of the suit. Those who claim the property as owner are necessary parties to the suit. To avoid multiplicity of the case, it is necessary that the petitioners are to be impleaded in the suit.

8. In the above circumstances, this Civil Revision Petition is allowed and the order passed in I.A.No.84 of 2012 in O.S.No.24 of 2012 dated 27.03.2014 on the file of the learned I Additional District and Sessions Judge, Tirunelveli is set aside. No Costs. Consequently, M.P.(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To

The I Additional District and Sessions Judge, Tirunelveli.

+1cc to M/s.AJMAL ASSOCIATES, Advocate, SR.No. 56098

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