

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.4821 of 2014

and

M.P.1 of 2014

and

M.P.1 of 2015

Jaisankar

...Petitioner

..Vs..

1.Munusamy
2.Ranganathan
3.Devaki
4.Velmurugan

...Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, against the fair and decreetal order dated 19.12.2013 made in I.A.No.584 of 2013 in O.S.No.369 of 2008 on the file of II Additional District Munsif Court at Vridhachalam.

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For Petitioner :Mr.T.L.Thirumalaisamy

For Respondents :No appearance

ORDER

The respondents names are printed in the cause list. None appeared, hence, set-exparte.

2. The petitioner in I.A.No.584 of 2013 is the Revision Petitioner herein.

3. The fifth respondent-Chakravarthy filed a suit against the respondents 1 to 4 herein seeking declaration of title and for Permanent Injunction.

4. In O.S.No.369 of 2008 on the file of the Additional District Munsif Court, Vridhachalam, written statement has been filed and additional written statement has also been filed.

5. Pending suit, the present revision petitioner purchased the property vide sale deed dated 20.07.2011 and he claims that he is in possession of the property. Since the suit is filed by his vendor, he wanted to implead himself as a party/plaintiff in the suit and accordingly, filed a petition under Order XXII Rule 10, Order 1 Rule 10 R/W 151 of C.P.C.

6. The respondents 1 to 5 herein filed a counter statement stating that the sale consideration mentioned in the sale deed is Rs.15,29,720/-. In such circumstances, this Court will loose its pecuniary jurisdiction to try the case.

7. On consideration, the learned District Munsif has observed that "there is a chance to file statement of plaintiff has not been provided to the plaintiff to confirm the case of the petitioner. Further, if the sale is true, the plaintiff loose his case regarding relief of declaration". Challenging the same, this Civil Revision has been filed.

8. The points for consideration is whether the transferee pending suit, is entitled to be impleaded in the suit is no longer case integra. In view of the decision reported in 2014 (4) CTC 814 [V.L.Dhandapani Vs.Revathy Ramachandran], it was held that the Transfer of Property Act,1882 Section 52 Civil Procedure Code, 1908, Order 1, Rule 10 that a transferee pendete lite can be impleaded as a party to the suit.

(ii) In the decision reported in 2018(3) MadWN (civil) 707 [Muthupandi Vs.Thangapandian and others] has held that "this Court is of the considered opinion that the 2nd petitioner herein is a just and

necessary party to the suit in O.S.No.436 of 2013 though he has purchased the litigation property, necessarily, he has to safeguard his right and title in the suit property. By impleading the petitioner not only his right is protected, but it protects rights of the respondents also as against the 2nd petitioner who is a purchaser as the decree which would be passed in the suit will bind upon the purchaser also. In other words by impleading the purchaser, the respondents herein could avoid the multiplicity of proceedings".

10. Accordingly, in view of the admitted factual position that the present petitioner is the purchaser vide sale deed dated 20.07.2011 and hence, by virtue of Section 52 of the Transfer Property Act, this Court is of the opinion that he must be given an opportunity to conduct the case with regard to his right over the property.

11. In this view of the matter, this Civil Revision Petition is allowed and I.A.584 of 2013 is set aside and he is directed to be implead as a second plaintiff. The learned District Munsif is required to hold an enquiry as to the jurisdiction of the suit and accordingly, decide the pecuniary jurisdiction in accordance with law.

12.With these observations, this Civil Revision Petition is allowed. No costs. Consequently, connected M.Ps are closed.

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Index:Yes/No
Speaking Order:Yes/No

To

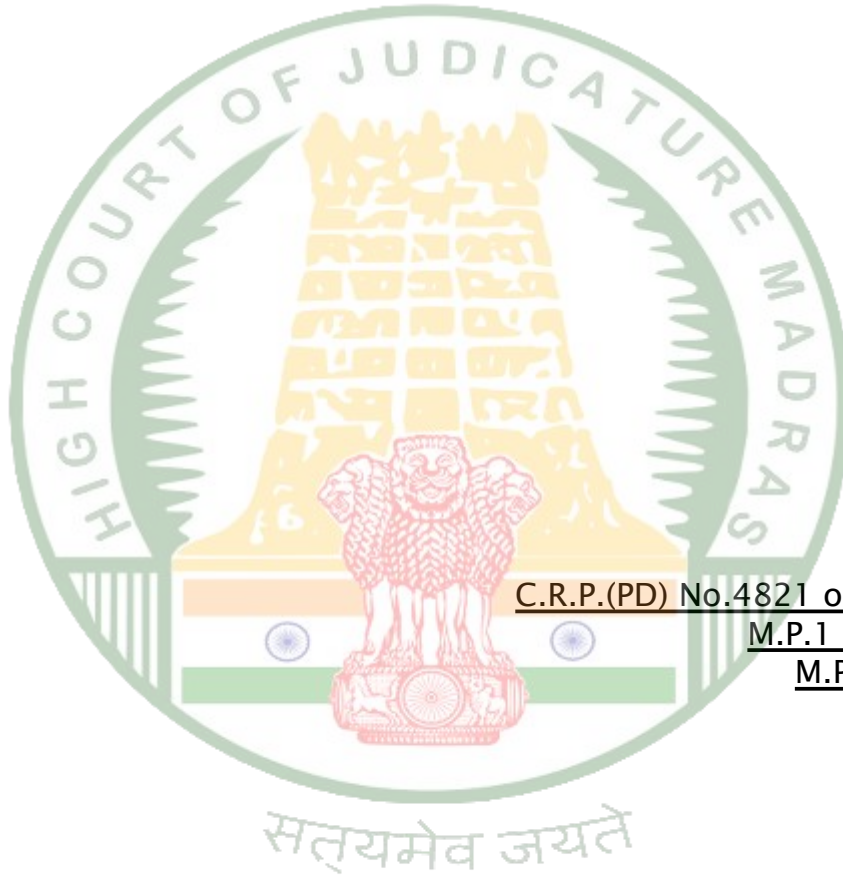
1. The II Additional District Munsif Court at Vridhachalam.



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