



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (MD)No.1916 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

Gopalakrishnan : Petitioner/1st Respondent/1st Defendant

.. Vs ..

1.Saravanan : Respondent/Petitioner/Plaintiff

2.The Sub Registrar,
Thiruvidaimarudur.

3.The District Registrar,
Kumbakonam.

4.The Government of Tamil Nadu,
Rep. by its District Collector,
Thanjavur.

: Respondents 2 to 4/Respondents 2 to 4/
Defendants 2 to 4

5.Arivalagan : 5th Respondent/5th Respondent/
Proposed party

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 20.04.2015 in I.A.No.62 of 2015 in O.S.No.143 of 2012 on the file of Principal Subordinate Judge, Kumbakonam.

For Petitioner : Mr.K.Govindarajan
For Respondent 1 : Mr.H.Lakshmishankar
For Respondents 2 to 5 : No appearance

ORDER

This Civil Revision Petition is directed against the order passed by the learned Principal Subordinate Judge, Kumbakonam, in I.A.No.62 of 2015 in O.S.No.143 of 2012.

2.The revision petitioner is the first defendant in the suit in O.S.No.143 of 2012 on the file of the Principal Subordinate Judge, Kumbakonam. The first respondent in this Civil Revision Petition, as plaintiff, filed the suit in O.S.No.143 of 2012 for specific performance of an agreement of sale. It appears that subsequent to the sale agreement, the first defendant has sold the property in favour of one Arivalagan on 19.06.2012. Since the plaintiff came to know about the alienation after the filing of the suit, he filed a petition in I.A.No.62 of 2015 to implead the said Arivalagan as a party to the suit. Finding that the subsequent purchaser is also



necessary and proper party in the suit for an effective and proper adjudication of all the issues in the suit, the said application was allowed by the lower Court. As against that, the first defendant has filed the above Civil Revision Petition.

3.The learned Counsel appearing for the petitioner though submitted that there is no serious error or illegality in impleading the subsequent purchaser as a party to the suit, submitted that the lower Court has thrown into the winds proper procedure to be followed while impleading the parties. He further submitted that without issuing notice to the proposed party, the application at the instance of the plaintiff was allowed and that there is a procedural irregularity which should be reminded to the lower Court to avoid recurrence of this in future. The learned Counsel for the petitioner though may be right in submitting that the application to implead any one should be only after issuing notice to other parties, this Court finds no error or serious irregularity in impleading the subsequent purchaser as a party to the suit in a suit for specific performance. It is well settled that a person who has purchased the property subsequent to the agreement is a necessary and proper party. He has an independent defence if he is a *bona fide* purchaser for value. Hence, a subsequent purchaser is really aggrieved and to avoid multiplicity of proceedings he should be impleaded as a party to the proceedings. The petitioner is not aggrieved. Therefore, in the interest of justice, impleading the subsequent purchaser as a party to the suit and get a disposal in his presence, will serve some useful purpose. In such circumstances, the order of the lower Court cannot be faulted. As a result, this Civil Revision Petition is dismissed as void of any merits. No costs. The plaintiff is also permitted to amend the prayer to seek appropriate relief against the proposed party. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Judge, Principal Sub Court,Kumbakonam.

2.The Sub Registrar,Thiruvidaimarudur.

3.The District Registrar,Kumbakonam.

4.The District Collector,Thanjavur.

+1CC to M/s.H.LAKSHMI SHANKAR,Advocate(SR-15047[F] dated 27/08/2020)

C.R.P. (MD)No.1916 of 2015

26.08.2020

AP(08/09/2020) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>