

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)No.893 of 2021
and
CMP.No.7322 of 2021

Rajeswari

... Petitioner/Proposed Respondent

Vs.

- 1.B.R.Surendran
- 2.B.R.Manoharan
- 3.B.M.Dhilipkumar
- 4.B.M.Dineshkumar
- 5.Sathiyarayanan
- 6.B.R.Senthilkumar

- 7.The Sub-Registrar
Karimangalam Town & Taluk,
Palacode Taluk,
Dharmapuri District.

- 8.The District Collector,
District Collector Office,
Dharmapuri District.

... Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order, dated 22.02.2021, made in

I.A.No.168 of 2020 in O.S.No.153 of 2015, on the file of the District Munsif Court, Palacode.

For Petitioner : Mr.V.Sakkarapani

For Respondents : Mrs.P.Srividhya for CAV

ORDER

(This case has been heard through video conference)

The 3rd party in O.S.No.153 of 2015 which is now pending on the file of the District Munsif Court at Palacode had filed a petition in I.A.No.168 of 2020 taking advantage of Order I Rule 10 of Civil Procedure Code seeking to implead himself as a defendant in the suit.

2.The reason why he had filed the said application was that he claims to be a purchaser of the suit scheduled property by a document dated 09.01.2017, pending the suit. The revision petitioner earlier claimed a right through an agreement of sale dated 15.01.2009 much prior to the institution of the suit.

3.Pending the suit and based on the agreement of sale, the revision petitioner herein had filed a petition in I.A.No.337 of 2016 for the same relief seeking to implead himself as a defendant and the Court below was pleased to

dismiss the same. Questioning that order of dismissal, the revision petitioner herein had filed CRP.No.1734 of 2016 and for reasons best known, had permitted the Civil Revision Petition to be dismissed as not pressed. This order was on 10.03.2020. On that day, the present revision petitioner had already purchased the property. He should have informed the Revisional Court on the particular occasion and should have taken steps to assert the case which he is now asserting before this Court. However, he had given instructions to withdraw the Revision Petition and the same was dismissed as not pressed.

4. Thereafter, he proceeded to the trial court and filed I.A.No.168 of 2020. The order passed in the said petition is the subject matter of the present Revision Petition. As a subsequent purchaser, the Revision Petitioner can not claim a larger right than the vendor / 4th defendant who had sold the property to him. The vendor had sold the property to him pending the suit. The revision petitioner had knowledge about the litigation pending between the parties. He is bound by any Order or Judgment and decree passed by the Court.

5. The learned counsel for the revision petitioner stated that the suit itself is collusive in nature and therefore, it is imperative that he should be made a

party to defend the suit. However, whether the suit is collusive in nature or not is a subject matter which has to be decided by the learned District Munsif Judge at Palacode, on the basis of the evidence already adduced. I am informed that the suit is at the stage of arguments and that for the past one month, adjournments have been sought.

6.This Revision has come up for admission only today. It is highly inappropriate on the part of the learned counsels to seek adjournments before the District Munsif Court, Palacode at the stage of arguments, purportedly on the ground that the Revision Petition is pending and that the Revision Petition was pending for the past one month and was awaiting for numbering it by the Registry.

7.A speculative purchaser purchasing the suit property pending the suit does not get any further right than his vendor / 4th defendant.

8.Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is also dismissed. No order as to cost. The parties viz., the plaintiff and the defendants shall advance arguments

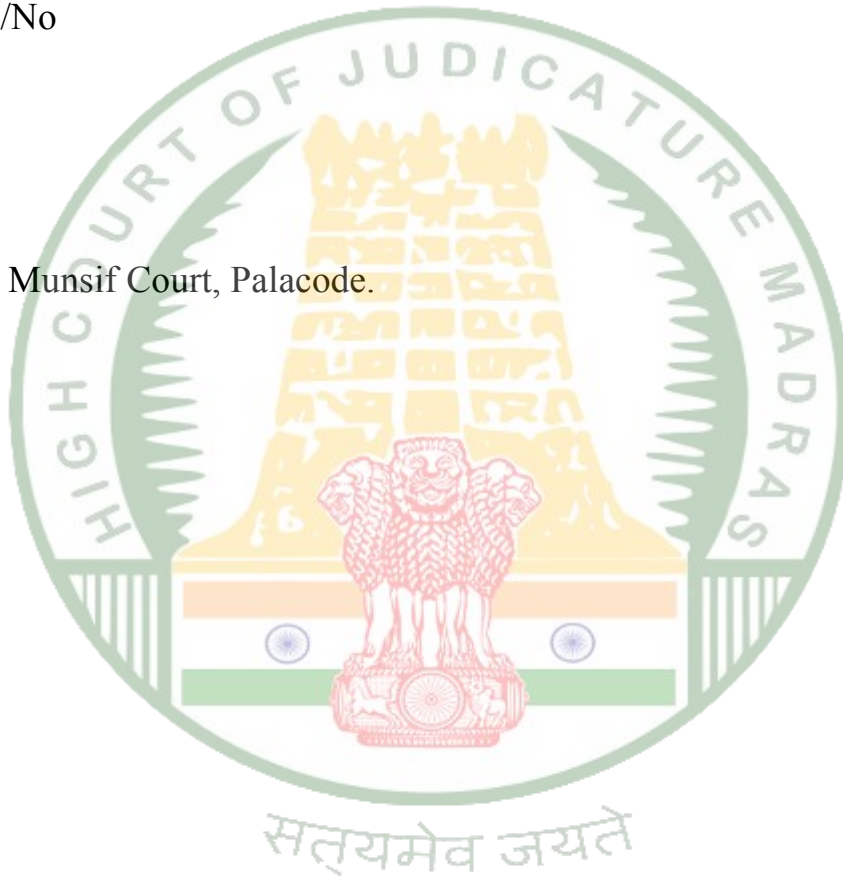
before the learned District Munsif Court at Palacode who has to decide the
issue on the basis of the evidence already recorded.

23.04.2021

Index:Yes/No
Internet:Yes/No
ssi

To

The District Munsif Court, Palacode.

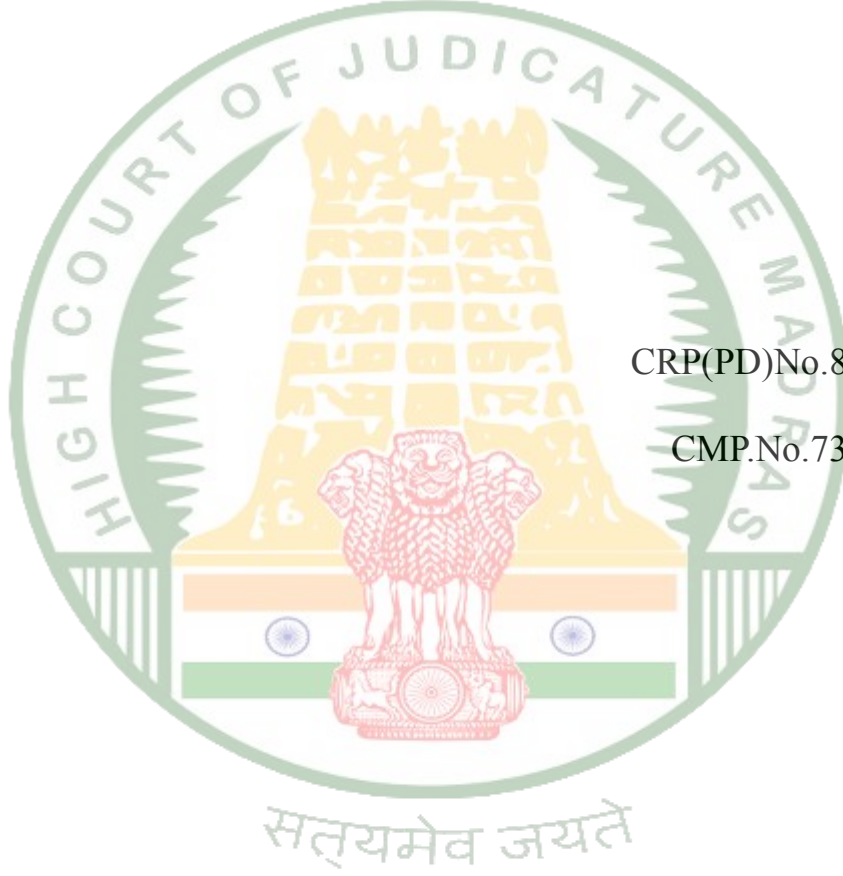


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C.V.KARTHIKEYAN, J.,

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