



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**CRP.No.608 of 2022
and
CMP.No.3163 of 2022**

K. Arunkumar @ Iyannar

... Petitioner

Vs

1. P.Geetha
2. Balaraman

...Respondents

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Order and Decree dated 30.08.2021 in I.A.No.90 of 2020 in O.S.No.24 of 2016 on the file of II Additional District Judge, Puducherry.

For Petitioner : Mr.R.Dilli Kumar

For Respondents : Mr. K.Parasuraman for R1 & R2
LCC

ORDER

This Civil Revision Petition is filed challenging the order passed by the court below dismissing the petition for impleading filed by the revision petitioner.



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2. The first respondent herein has filed a suit for specific performance based on the registered sale agreement dated 03.12.2013 against the revision petitioner herein.

3. The revision petitioner herein has filed a written statement and had taken a defence that the suit sale agreement was executed as a security for the loan obtained by him. Subsequently, the revision petitioner has filed an application to implead the second respondent herein as a party defendant in the suit in I.A.No.90 of 2020. In the affidavit filed in support of the impleading affidavit, the petitioner had submitted that he borrowed a sum of Rs.20 lakhs from the second respondent and as he failed to repay the said amount. Hence, he offered to sell the suit property to the second respondent and consequently, a sale agreement dated 23.05.2013 was entered into between the petitioner and the second respondent. Therefore, it was a case of the petitioner that the second respondent is a proper and necessary party to the adjudication of the case. The court below dismissed the impleading application and aggrieved by the same, this petitioner is before this court by way of filing this petition.



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4. The learned counsel for the petitioner has submitted that the petitioner herein had already entered into an agreement with the second respondent under a sale agreement dated 23.05.2013 and hence, the second respondent is a proper and necessary party to the suit.

5. I am unable to accept the arguments made by the learned counsel for the petitioner. Admittedly, in the present suit, the sale agreement is entered into between the petitioner and the first respondent. The second respondent is not a party to the suit sale agreement. Under such circumstances, when the first respondent filed a suit for specific performance for the sale agreement dated 03.12.2013 entered into between the petitioner and the first respondent, to decide the controversies involved in the suit, the presence of the second respondent is not at all necessary. Further, it is not open to the petitioner to canvass the case of the second respondent. The court below has rightly observed that the presence of the second respondent is not at all required to adjudicate the case and hence, dismissed the suit. Therefore, I find no infirmity in the order passed by the court below.



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6. In the result, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

26.10.2022

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

gv

To

The II Additional District Judge,

Puducherry.



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S.SOUNTHAR.,J.

gv

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