



C.R.P.(PD) No.1574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1574 of 2022

and

C.M.P No.7941 of 2022

T.Murugesan Gounder

... Petitioner

Vs.

Ramarathina Gounder (Died)

1.Saravanan

Kumarasamy Gounder (Died)

2.Venkatesan Gounder

3.Annamalai

4.R.Thulasi

5.R.Vasanthakumar

6.R.Indira

7.R.Kavitha

8.K.Panchalalammal

9.M.Padma

10.S.Vasantha

11.E.Amsa

12.D.Amudha

13.Vajjiravelugounder

14.G.Kumarapandiyam

15.K.V.Selvam

16.Baskar

17.Sakunthala



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18.Inbavalli
19.M.Sumitha
20.B.Thiruselvan
21.K.Jawarilal Jain
22.M/s.SANCO FOUNDATION,
a Public Charitable Trust
Rep. by its Managing Trustee
V.Sampath
No.8, 2nd East Main Road,
Gandhi Nagar, Vellore-632 006
Vellore District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 15.02.2022 made in I.A.No.76 of 2019 in O.S.No.722 of 2008 on the file of the learned Additional District Munsif, Vellore.

For Petitioner : Mr.M.R.Thangavel

ORDER

This Civil Revision Petition has been filed challenging the order of the learned Additional District Munsif, Vellore, dated 15.02.2022 in I.A.No.76 of 2019 in O.S.No.722 of 2008.

2. The revision petitioner is the plaintiff in the suit. The suit has been filed for the relief of declaration and permanent injunction. During the



pendency of the suit, a petition was filed by the revision petitioner to implead the respondents 17 to 24 as the defendants in the suit and the said petition was dismissed. Aggrieved over that, this revision petition is filed.

3. The learned counsel for the petitioner submitted that since the respondents 17 to 24 have purchased the suit property pending the suit and developed an interest over the suit property, they are necessary parties to the suit and hence the order of the learned trial Judge dismissing the impleading petition should be set aside.

4. When the suit was filed, there were two plaintiffs and 5 defendants. During the pendency of the suit, the 1st plaintiff was transposed as 15th defendant. Since he has alienated the part of the suit property to R7 to R14, the transposition is made. Since R15 died during the pendency of the suit, his legal heir has been added as R16. Thereafter, the impugned petitions were filed to reopen the case to implead R17 to R24 also as parties to the suit, in view of the transfer of a portion of the suit property made by some of the defendants.



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5. Admittedly, the alleged transaction were made in favour of the respondents 17 to 24 during the pendency of the suit, it will face the consequences of the suit. The vendors of the R17 to R24 were already parties to the suit and they can derive valid title if any only through them. Since the vendors of R17 to R24 are already parties to the suit, the impleadment of the R17 to R24 would only drag on the proceedings and it can at the best be only a formality. A decree if passed against the other defendants would automatically bind on the subsequent purchaser. Hence, I do not find any reason for interference.

6. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order passed in I.A.No.76 of 2019, by the learned Additional District Munsif, Vellore, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2022

Index : Yes/No
Speaking Order : Yes / No
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- To
- 1.The Additional District Munsif,
Vellore.
 - 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

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