



WEB COPY



A.No.2271 of 2022

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in
C.S.No.748 of 2002

G. CHANDRASEKHARAN, J.

This application is filed for impleading the respondents 8 to 10 as defendants 8 to 10 in C.S.No.748 of 2009.

2. The learned counsel for the applicants submitted that the suit is filed for relief of partition. Pending suit, the proposed defendants 8 to 10 namely Mrs.Saroja, Mrs.Trupiti S.Shah and Mr.R.Vedachalam had purchased a portion of item No.9 of the 'A' Schedule property under three sale deeds. Thus, they become proper and necessary parties for the effective adjudication of this case.

3. This application is strongly opposed by the learned counsel for the respondents/defendants on the ground that all these sale had taken place during the pendency of this litigation. Therefore, whatever the right claimed by purchasers is subject to the outcome of this partition suit. This sale is governed by lis pendens. Therefore, they are not proper and necessary parties for the disposal of this case.



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4. Considered the rival submissions. This Court finds that this suit was filed in the year 2002. It is also brought to the notice of this Court that not even a single witness was examined in this case until now. As rightly pointed out by the learned counsel for the respondents that the sale in favour of proposed defendants had taken place during the pendency of this suit. Therefore, the sale is governed by the principles of lis pendens. If this sort of application is allowed, there will be no end and similar applications will be filed, in the event of any alienation or encumbrance take place during the pendency of the litigation.

5. Considering the fact that this suit is pending from the year 2002 without any progress and also the fact that the sale in favour of proposed defendants is hit by the principles of lis pendens, and the proposed defendants are bound by the out come of this suit, this Court finds that impleadment of the proposed defendants 8 to 10 is not necessary.

6. Therefore, this application is dismissed.

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