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A.No.3359 of 2022 in C.S.No.497 of 2014

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C.S.No.497 of 2014

G.CHANDRASEKHARAN, J.

This application is filed to implead the respondents 9 to 11 as defendants 9 to 11 in the suit.

2.The learned counsel for the applicants submitted that the suit was filed against the defendants 1 to 7 for several reliefs, including the relief of general power of attorney, dated 19.10.2005, alleged to have been executed by M.Pugalendran and M.Vallatharasu in favour of the first defendant M.Vellaiswamy and consequent memorandum of deposit of the title deed, dated 10.10.2006, executed by the first defendant in favour of the sixth defendant as null and void; declaring the Lok Adalat award, dated 24.11.2012, as null and void; declaring the rectification deed, dated 03.03.2014, executed by the eighth defendant in favour of the first defendant as null and void; for preliminary decree; for partition; to render true and correct statement of accounts; mens profits and for costs of the suit.



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3.It is the submission of the learned counsel for the applicants/plaintiffs that when the suit is pending for the aforesaid reliefs, the respondents 9 to 11 purchased the suit property on 04.01.2022 from the first defendant. Therefore, the respondents 9 to 11 are proper and necessary parties for effective and binding adjudication.

4.The learned counsel for the respondents 9 to 11 opposed this application on the ground that these defendants are not aware of the pendency of the suit. They purchased the property bonafidely without notice about the pendency of the suit for valuable consideration. After purchase of the property, they obtained building plan and there is a building under construction. This application has no merits and is liable to be dismissed.

5.Considered the rival submissions and perused the records. It is seen from the plaint pleadings that item no.1 of the suit property is said to have been purchased in the name of the first defendant and his brothers M.Pugalendran and M.Vallatharasu. The plaintiffs alleged that the first defendant had managed to create certain documents, secured loan and entered into a settlement with the 7th defendant Bank behind the back of the plaintiffs.



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Therefore, the suit is filed for the aforesaid reliefs. The proposed defendants

9 to 11 purchased this property during the pendency of the proceedings. It is claimed by them that they are not aware of the C.S.No.497 of 2014. The issue with regard to the right of the pendent lite purchaser is very well settled. Their right is subject to the right available to the owner of the property. However, in order to avoid multiplicity of the proceedings and to have binding adjudication between the parties, this Court is of the considered view that the impleadment of the proposed defendants 9 to 11 is necessary.

6.In this view of the matter, this application is allowed. The learned counsel for the plaintiffs is directed to take appropriate steps to amend the plaint.

7.Mr.G.Kalaiselvan, learned counsel for eighth defendant is present and submitted that he has filed vakalat for the eighth defendant. If vakalat is filed, Registry is directed to print the name of Mr.G.Kalaiselvan for eighth defendant and post the matter after two weeks.

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28.11.2022

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