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CRP(PD)No.251/



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.No.2510 of 2016
and C.M.P.No.12943 of 2016**

Ravichandran

... Petitioner

Vs.

- 1.Karuppa Udayar
- 2.Chitra
- 3.Rajendran
- 4.Rajeswari
- 5.Savithri
- 6.Ananthi
- 7.Arumugam
- 8.Mahalakshmi
- 9.Selvi
- 10.Ramasamy
- 11.Marappan
- 12.Valli
- 13.Marudhambal

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 12.01.2016 made in I.A.No.560 of 2013 in O.S.No.112 of 2010 on the file of the Sub Court, Attur.

For Petitioner : Dr.S.Padma



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For RR1 to 6,
8, 10, 11 & 13 : No appearance

For RR7, 9 & 12 : Ms.Zeenath Begum

ORDER

The revision arises against an order dated 12.01.2016 made in I.A.No.560 of 2013 in O.S.No.112 of 2010 on the file of the Sub Court, Attur.

2. The plaintiff is the revision petitioner. He filed the suit for partition and separate possession. Pending the suit, the property had been alienated by the defendants in favour of the proposed parties 11 to 13. Therefore, the civil revision petitioner filed an application in I.A.No.560 of 2013 to implead the respondents 11 to 13 as parties to the suit. The learned trial Judge dismissed the application on the ground that the respondents 11 to 13 are not proper and necessary parties to the proceedings. Challenging the same, the plaintiff has presented the revision.

3. Heard Dr.S.Padma, learned counsel for the petitioner and Ms.Zeenath Begum, learned counsel for the respondents 7, 9 and 12. I have carefully gone through the records.

4. The issue whether the purchaser of a joint family property is a proper and necessary party or not, has been settled by this Court in the case of ***V.L.Dhandapani***



and others vs. Revathy Ramachandran and others reported in **2014 (4) CTC 814**.

This Court has specifically held in the light of the judgment of the Supreme Court in

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Thomson Press (India) Limited vs. Nanak Builders and Investors Private Limited

and others reported in **2013 (5) SCC 397** that a transferee *pendente lite* can be

impleaded as a party to the suit. In this case, if the suit is decreed and the purchasers

are not impleaded, their rights will be put to jeopardy. Therefore, it is just and

necessary that the subsequent purchasers also be brought on record in the proceedings.

5. In fine, Civil Revision Petition is allowed. Consequently, the order of the trial Court in I.A.No.560 of 2013 in O.S.No.112 of 2010 dated 12.01.2016 on the file of the Sub Court, Attur, is set aside. The respondents 11 to 13 are impleaded as defendants 11 to 13 in the suit. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

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To

The Subordinate Judge

Attur.

<https://www.mhc.tn.gov.in/judis>



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V.LAKSHMINARAYANAN,J.

Kj

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