



CRP.No.1660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

CRP.No.1660 of 2024

Kamals Roshan

... Petitioner

Vs

1.Hemalatha
2.H.Lalith Kumar Surana
3.Anumanmal Sowcar
4.Semalkar
5.Vasanth Bai

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair order passed in I.A.No.3/2023 in O.S.No.272 of 2023 (Old No.88/2011) dated 05.03.2004 on the file of the District Munsif cum Judicial Magistrate, and to implead the petitioner in the above suit as necessary parties to ensure justice and fair proceedings.

For Petitioner : Ms.Preethi Baskar
for Mr.R.Maanjal Kumar



CRP.No.1660 of 2024

ORDER

WEB COPY

The revision petitioner herein is a third party to the suit proceedings in O.S.No.272/2023. According to the revision petitioner, the suit in O.S.No.118/2013 was originally laid for declaration by a certain Hemalatha, the first respondent herein, against the respondents 2 to 5, who are the defendants in the suit. Subsequently it was transferred to the file of the District Munsif cum Judicial Magistrate Court, Tiruporur and renumbered as O.S.No.272/2023.

2. On 19.10.2023, the petitioner entered into an agreement of sale with the first defendant. On the basis of this agreement, the revision petitioner had filed an application in I.A.No.3 of 2023 in O.S.No.272/2023 to implead him as a party to the suit proceedings. The said application was dismissed. Against which, the present revision has been filed.

3. Heard Ms.Preethi Baskar for the revision petitioner.

4. The facts narrated above would show that the suit has been pending on its file for more than a decade. It is thereafter in 2023, the petitioner had



CRP.No.1660 of 2024

entered into an agreement of sale with the plaintiff for purchase of the property. The petitioner does not even have the sale deed in his favour to treat him as a *lis pendens* purchaser. All that he has in his name is an agreement of sale. In an agreement of sale, there is no transfer of interest in the immovable property. O.S.No.272/2023 relates to a right over the immovable property. In such a suit, the agreement holder to the plaintiff is neither necessary nor proper party. That being the position of law, the order passed by the learned Judge in I.A.No.3/2023 in O.S.No.272/2023 only requires to be confirmed and accordingly it is confirmed.

5. In the result, the civil revision petition stands dismissed. No costs.

18.04.2024

Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking orders

To:

- 1.The District Munsif cum Judicial Magistrate, Tiruporur.
- 2.The Section Officer, VR Section, High Court, Madras.



WEB COPY



CRP.No.1660 of 2024

V.LAKSHMINARAYANAN,J.

ds

CRP.No.1660 of 2024

18.04.2024