



C.R.P.(PD).No.1957 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1957 of 2019
and CMP.No.12782 of 2019

T.Sundararajan

... Petitioner

vs.

1.T.Padmavathi
P.Shaju Thomas (died)

2.A.Sirajunnisha
3.J.Kandasamy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and final Order passed in I.A.No.1561 of 2018 in O.S.No.475 of 2007 on the file of the Principal Munsif Court, Erode, dated 06.03.2019 and allow the Civil Revision Petition.

For Petitioner	: Mr.Sundaravadhanan.A
For Respondents	: M/s.A.M.Amutha Ganesh for R3 M/s.T.Titus Enock for R2



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C.R.P.(PD).No.1957 of 2019

No Appearance for R1

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioner/plaintiff seeking impleadment of respondents 2 and 3.

2. The petitioner herein filed a suit seeking declaration that the decree and judgment dated 26.06.2006 obtained by the deceased second defendant against first defendant in O.S.No.89 of 2006 was vitiated by fraud and for permanent injunction restraining the second defendant from committing trespass into the suit property.

3. From the averment found in the plaint, it appears that the second defendant obtained a decree for specific performance against the first defendant and the same is sought to be declared as invalid by the petitioner.

4. Pending the suit, the petitioner filed an application to implead the respondents 2 and 3 as party defendants in the suit on the ground that the



C.R.P.(PD).No.1957 of 2019

respondents 2 and 3 purchased the suit property pending suit. It is the specific case of the petitioner that the second defendant in the suit viz., P.Shaju Thomas executed sale deed in favour of second respondent herein on 25.04.2008 and thereafter the second respondent herein executed another sale deed in favour of 3rd respondent on 01.08.2011. Therefore, the application has been filed seeking impleadment of the pendente lite purchasers. The Court below dismissed the application on the ground that transfer in favour of respondents 2 and 3 had taken place pending suit and therefore, they are not necessary parties as a transfer in their favour is hit by doctrine of lis pendens. No doubt, if the suit filed by the petitioner is ultimately decreed certainly it will affect title of the respondents 2 and 3 as they purchased suit property pending the suit. Though the respondents 2 and 3 are not necessary parties for disposal of the suit, the Court can decide the controversy involved in the suit in a more effective manner in the presence of respondents 2 and 3. The presence of respondents 2 and 3 will help the Court to decide the lis in a comprehensive manner.

5. Therefore, this Court feels the respondents 2 and 3 are proper



C.R.P.(PD).No.1957 of 2019

parties to the litigation. Hence, the order impugned in the revision is set aside and I.A.No.1561 of 2018 filed by the petitioner for impleadment of respondents 2 and 3 is allowed.

6. Having regard to the fact the suit is of the year 2007, the Court below is directed to dispose of the suit as expeditiously as possible.

7. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

06.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.(PD).No.1957 of 2019

WEB COPY To

The Principal Munsif Court,
Erode.



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C.R.P.(PD).No.1957 of 2019

S.SOUNTHAR, J.

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C.R.P.(PD).No.1957 of 2019

06.02.2024