



WEB COPY



C.R.P. No. 3483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. No. 3483 of 2024

1. S.Ruppak

2. S.Harini

... Petitioners / Petitioners / Proposed Parties

Vs.

1. A.V.Mohan

... 1st respondent / 1st respondent / Plaintiff

2. K.Sivajeyam

3. K.Shanmugasundaram

4. S.Mahaswari

... Respondents 2 to 4 / Respondents 2 to 4 /
Defendants 1 to 4

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Subordinate Court, Pollachi to number the unnumbered I.A. No.(CFRNo.8293) of 2024 filed under Order I Rule 10(2) of the CPC in O.S. No. 259 of 2010 and dispose the same.

For Petitioners : Mr. C.Ramaraj

ORDER

The third party in a suit for specific performance, seeks to implead himself.



C.R.P. No. 3483 of 2024

2. The claim of the third party is that the property is an ancestral property and therefore he has the right to the same. The father of the civil revision petitioners is on record as the 3rd defendant. The suit has gone through the entire ordeal of trial. It was at that stage that the impleading application came to be filed.

3. In a suit for specific performance, a third party to the agreement is neither necessary nor proper party. This has been settled by the Supreme Court in *Kasturi Vs. Iyyamperumal & Ors. (2005) 6 SCC 733*. The Supreme Court had reversed this Court which had held that a third party, who has claims title to the property, is entitled to be impleaded as party.

4. The position of law having been settled by the Supreme Court, I am not inclined to come to the rescue of the petitioner. Accordingly, the civil revision petition stands dismissed as not maintainable. No costs.

28.08.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
pal



C.R.P. No. 3483 of 2027

To
WEB COPY

The Subordinate Court, Pollachi.



WEB COPY



C.R.P. No. 3483 of 2024

V.LAKSHMINARAYANAN, J.,

pal

C.R.P. No. 3483 of 2024

28.08.2024