



C.R.P. (MD).No.1466 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1466 of 2019

and

C.M.P(MD) No.7762 of 2019

1. Lakshmanan

2. Chandrasekar

... Petitioners/ Respondents 1 and 2/
Petitioners 1 and 2/Plaintiffs 1 & 2

-VS-

1. S.Rajendran

... 1st Respondent/Petitioner/
Proposed party

2. Ponpandian

... 2nd Respondent/3rd Respondent/
3rd Respondent/3rd Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 30.10.2018 passed in I.A.No.493 of 2018 in I.A.No.160 of 2018 in I.A.No.195 of 2013 in O.S.No. 26 of 2013 on the file of the learned District Munsif Court, Tiruchendur.

For Petitioners : Mr.M.P.Senthil

For R1 : Mr.G.Prabhu Rajadurai

For R2 : No Appearance



C.R.P. (MD).No.1466 of 2019

WEB COPY

ORDER

The present Civil Revision Petition has been filed by the plaintiffs in O.S.No.26 of 2013 on the file of the District Munsif Court, Tiruchendur, challenging an order, wherein, the trial Court has allowed the impleading application, impleading the purchaser, who has purchased the property in violation of order of an interim injunction.

2. The petitioners herein as plaintiffs have filed the above suit for the relief of permanent injunction as against the defendants 1 to 3 that they should not register any document before the Sub Register Office relating to the schedule mentioned properties. Pending suit, an order of interim injunction was granted by the trial Court in I.A.No.195 of 2013. It is alleged that in violation of the said interim injunction order one of the defendant sold the property to the proposed party, namely, S.Rajendran. The petitioners/ plaintiffs had filed I.A.No.160 of 2018 under Order 39 Rule 2 A of C.P.C to punish the 2nd respondent herein and also to cancel the registered sale deed dated 17.04.2015. In the said Contempt Petition, the purchaser namely, the first respondent/proposed party herein had filed I.A.No.493 of 2018 to implead himself. The trial Court has proceeded to allow the said application.



C.R.P. (MD).No.1466 of 2019

Challenging the same, the petitioners/plaintiffs have filed the present Civil Revision Petition.

3. According to the learned counsel appearing for the petitioners/plaintiffs, the proposed party namely S.Rajendran has purchased the property in violation of the order of interim injunction. Therefore, it is clear that it is null and void and need not be impleaded in the contempt proceedings. The trial Court ought not to have impleaded the first respondent in the revision petition.

4. Per contra, the learned counsel appearing for the first respondent herein had contended that the prayer in I.A.No.160 of 2018 is not only for initiating contempt proceedings as against the defendants, but also to cancel the sale deed dated 17.04.2015. Therefore, any order passed in the said contempt proceedings would affect his right over the schedule mentioned property. Hence, he is a necessary party.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



C.R.P. (MD).No.1466 of 2019

WEB COPY

6. Admittedly, the first respondent herein had purchased the property pending suit and that too, in violation of the orders of interim injunction not to alienate the suit schedule properties. The contempt proceedings have been initiated in I.A.No.160 of 2018 as against the original defendants and also the prayer has been sought for to cancel the sale deed in favour of the proposed party. In such circumstances, the proposed party/purchaser become a necessary party to the contempt proceedings. Therefore, the trial Court was right in allowing the impleading application. In case, if the trial Court arrive at a finding that the sale deed in favour of the proposed party is valid and he is not in violation of the interim orders, then the proposed party would be entitled to get himself impleaded in the main suit.

7. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

07.06.2024

NCC : Yes/No
Index : Yes / No



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To

1. The District Munsif Court,
Tiruchendur.



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C.R.P. (MD).No.1466 of 2019

R.VIJAYAKUMAR,J.

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C.R.P.(MD)No.1466 of 2019

07.06.2024



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C.R.P. (MD).No.1466 of 2019