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CRP.No.415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.415 of 2024 and
CMP.No.1997 of 2024

1. Mohan
2. Rajendran
3. Samundeeswari
4. Ravichandran
5. Thiruneelagandan
6. Bhuvaneswari
7. Lakshmi
8. Rajeswari
9. Saravanan
10. Manikandan

... Petitioners

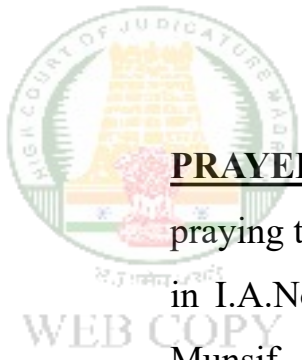
Vs.

1. The Mahindra World City Development Ltd
Administrative Block,
Central Avenue, Natham Sub (PO)
Chengalpattu Taluk

2. The Veerapuram Panchayat
Represented by EO
Chengalpattu Taluk

3. SPI Cinemas (P) Ltd by its Director
No.25, 5th Floor, Mamatha Complex,
Whites Road, Royapettah, Chennai – 600 014.

...Respondents



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PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying to allow the Revision Petition and set aside the Order dated 15.02.2023 in I.A.No.115 of 2020 in O.S.No.97 of 2014 on the file of learned District Munsif Chengalpet and allow IA No.115 of 2020 permitting the petitioners/plaintiffs to implead the Respondents 2 and 3 as Defendants to the suit O.S.No.97 of 2014 on the file of District Munsif Chengalpet.

For Petitioner	: M/s.V.Ravi
For R1	: Mr.Srinath Sridevan, Senior Counsel for M/s.Aishwarya S.Nathan
For R2	: Mr.J.Daniel Government Advocate (CS)
For R3	: M/s.Abishek Jenasenan

ORDER

The civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/plaintiffs seeking impleadment of respondents 2 and 3.

2. Originally, the petitioners filed a suit for declaration of title and consequential relief of injunction with alternative prayer for recovery of possession against the 1st respondent.

3. It is the case of the petitioners that suit property was originally purchased by their mother Smt.Chandrammal under registered sale deeds dated



01.03.1958 and 22.06.1958 and they enjoyed the same as ancestral property.

The abovesaid Chandrammal died on 01.12.2012 leaving behind the petitioners as legal heirs to succeed to her estate. The petitioners after obtaining knowledge about revenue records with the name of the 1st respondent laid the above mentioned suit.

4. The 1st respondent filed written statement and resisted the suit by asserting title based on two registered documents dated 07.10.1997 and 24.09.1997. It was also stated by the 1st respondent that after purchase, mutation had taken place in it's name and construction were also put up in that suit property. Thus, 1st defendant claimed title as well as possession over the suit property.

5. During the course of trial, after closure of plaintiff side evidence, the application has been filed by the petitioners seeking impleadment of respondents 2 and 3 on the ground that 1st respondent produced certain documents relating to suit property to prove a portion of the suit property was gifted to 2nd respondent panchayat and another portion was leased out in favour of 3rd respondent. In view of the same, the petitioners filed impleading application to implead the respondents 2 and 3 as party defendants and the same was dismissed by the trial court. Aggrieved by the same, the petitioners



have come before this Court .

6. The learned counsel for the petitioners submitted that since the respondents 2 and 3 said to have acquired some interest over a portion of the suit property with some kind of arrangement with the 1st respondent, it has become necessary for the petitioners to seek their impleadment. The learned counsel submitted that in order to have effective adjudication of case, the presence of respondents 2 and 3, who said to have acquired some kind of right over the suit property from the 1st respondent, is also necessary.

7. The learned Senior Counsel for the 1st respondent submitted that gift deed in favour of 2nd respondent panchayat was executed on 09.12.2011 and the suit was filed by the petitioners only in the year of 2014 and therefore, the petitioners could have impleaded 2nd respondent panchayat even at the time of filing of the suit. He also relied upon the judgment of the Hon'ble Apex Court in the case of *Uma Devi and Others Vs Anand Kumar and Others reported in (2025) 5 SCC 198* for the proposition, registration of the document will have the effect of notice to the entire world. The learned senior counsel further submitted that 3rd respondent is only a lessee under the 1st respondent and he has no independent right over the suit property. In such circumstances, his presence is not at all necessary.



8. The Hon'ble Apex Court, in *Umadevi* case cited supra, after referring to earlier judgment in *Suraj Lamp and Industries(P) Limited Vs State of Haryana reported in (2012) 1 SCC 656*, discussed about effect of registered documents and it's legal consequences. The relevant observation of the Hon'ble Apex Court reads as follows:-

“13. A registered document provides a complete account of a transaction to any party interested in the property. This Court in Suraj Lamp & Industries (P) Ltd. (2) Vs State of Haryana held as under:-

“15. ... ‘17. ... Registration of a document [when it is required by law to be, and has been effected by a registered instrument] gives notice to the world that such a document has been executed.

18. Registration provides safety and security to transactions relating to immovable property, even if the document is lost or destroyed. It gives publicity and public exposure to documents thereby preventing forgeries and frauds in regard to transactions and execution of documents. Registration provides information to people who may deal with a property, as to the nature and extent of the rights which persons may have, affecting that property. In other words, it enables people to find out whether any particular property with which they are concerned, has been subjected to any legal obligation or liability and who is or are the person(s) presently having right, title, and interest in the property. It gives solemnity of form and perpetuate documents which are of legal importance

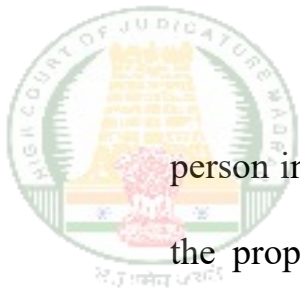


*or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them. It ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under the said Act) as a full and complete account of all transactions by which the title to the property may be affected and secure extracts/copies duly certified.**"(Emphasis supplied by this Court)*

14. Applying this settled principle of law, it can safely be assumed that the predecessors of the plaintiffs had notice of the registered sale deeds (executed in 1978), flowing from the partition that took place way back in 1968, by virtue of them being registered documents. In the lifetime of Mangalamma, these sale deeds have not been challenged, neither has partition been sought. Thus, the suit (filed in the year 2023) of the plaintiffs was *prima facie* barred by law. The plaintiffs cannot reignite their rights after sleeping on them for 45 years.

9. A close scrutiny of the judgment in the case of ***Suraj Lamp and Industries(P) Limited Vs State of Haryana reported in (2012) 1 SCC 656*** would indicate that registration of the documents provides information to the people, who may deal with a property as to the nature and extent of the rights which persons may have affecting their property. Therefore, any person who wants to deal with the property can apply for Encumbrance Certificate from the Sub-Registrar office and find out whether the person, with whom he wants to enter into a deal in respect of property, has got absolute right or not. Every

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person in the world is not expected to apply for Encumbrance Certificate of all the properties and find out dealings in respect of properties. Even the real owner of the property is not expected to apply for Encumbrance Certificate and find out the registration status of the property everyday. Therefore, the registration of the document would only give notice of transaction to the person who intends to have some kind of dealings with the property. In the case on hand, the petitioners claim that their mother purchased the property in the year 1958. It is also asserted that the petitioners have been in possession and enjoyment of the property as legal representatives of the deceased mother. Since the petitioners have not entered into any kind of dealings or alienation in respect of property, the registration of the document by the 1st defendant in favour of 2nd defendant cannot be treated as a notice to the petitioners when they never intended to deal with the property vis-a-vis third party. Therefore, the judgment relied on by the learned Senior Counsel for the 1st respondent is not applicable to the facts of the present case.

10. Further, in Umadevi case relied on by learned Senior Counsel, oral partition had taken place in 1968 and family members acquired right under partition executed registered sale deeds in the year 1978. The suit for partition was filed after 55 years in the year 2023. Taking into consideration said fact



the Hon'ble Apex Court said the predecessor of plaintiff therein failed to question registered documents during their life time and hence, suit filed in the year 2023 was barred by limitation. In the case on hand, gift deed in favour of panchayat was executed on 09.12.2011 and suit was filed in the year 2014. In the written statement of 1st respondent, it did not refer about alleged gift deed. The petitioners claimed that they acquired knowledge about gift deed only when 1st respondent filed petition to receive additional document. Hence, Umadevi case cited supra is not applicable to the facts of the present case. It is also pertinent to mention, the donee under gift deed, 2nd respondent panchayat did not oppose it's impleadment by filing any counter. Even before this Court, the learned counsel for 2nd respondent did not oppose impleadment. Hence, I am not impressed by submission made by the learned Senior Counsel for 1st respondent. In any event, the proposed parties are at liberty to raise all defence in their written statement.

11. The petitioners seek relief of declaration, injunction and in alternatively for recovery of possession. As per the case of the 1st respondent/ 1st defendant, a portion of the suit property was gifted to 2nd respondent panchayat. Therefore, as on today, the 2nd respondent panchayat is the owner of the portion of the suit property. In such circumstances, the presence of 2nd



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respondent panchayat is very much essential to decide the main controversy involved in the suit. Likewise, the 3rd respondent is a lessee under the 1st respondent/1st defendant. When 3rd respondent is in actual possession of the property in it's capacity as lessee, it's presence is very much essential when the plaintiffs seek relief of recovery of possession. Otherwise, there may be trouble at the time of execution in the event the petitioners' success in the suit.

12. In view of the same, this Court feels that the respondent 2 and 3, who have acquired some kind of interest over a portion of the suit property, are necessary parties to the litigation. Accordingly, the civil revision petition stands allowed by setting aside the order passed by the Trial Court in I.A.No.115 of 2020 in O.S.No.97 of 2014 dated 15.02.2023. The impleading petition is allowed. The proposed parties are at liberty to file their written statement raising all defence. The same shall be considered by Trial Court on it's own merits, without being influenced by any observation made in this order. Consequently, the connected miscellaneous petition is closed. No costs.

09.12.2025

Index : Yes
Internet : Yes
Neutral Citation: Yes
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To

The District Munsif Court, Chengalpet.



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S.SOUNTHAR, J.

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