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C.R.P.PD.No.892 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P.PD.No.892 of 2025

and

C.M.P.No.5195 of 2025

Punniakotti

... Petitioner

Vs

1.Pandurangan
Muniammal (died)
2.K.Mohana
3.S.Prakash
4.Munusamy
5.Purushothaman

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India against the Fair and Decreetal Order dated 30.08.2024 made in I.A.No.4 of 2022 in O.S.No.18 of 2017 on the file of the District Munsif Court, Madurantakam.

For Petitioner : Mr.R.Ragavendran

ORDER

Challenging the dismissal of their application seeking to implead the respondents 3 and 4 as defendants 3 and 4 in the suit, the plaintiff is before

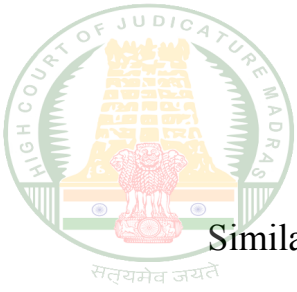


this Court.

WEB COPY 2. The facts in brief are herein below narrated and the parties are referred to in the same ranking as before the trial Court.

3. The plaintiff had filed a suit O.S.No.18 of 2017 on the file of the District Munsif, Maduranthakam seeking a declaration of his title to the suit schedule property and also for a consequential injunction restraining the defendants from in any way interfering with his peaceful possession and enjoyment of the suit property.

4. Pending the suit, the 2nd defendant had settled a part of the property measuring an extent of 1.09 ½ acre in Dry Survey No.13/2C in favour of the proposed 3rd defendant under a Settlement Deed dated 07.08.2019. Further, the 1st defendant had given a General Power of Attorney with reference to another extent of 1.09 ½ acre in the very same Survey Number in favour of the proposed 3rd defendant under a registered General Power of Attorney Deed dated 08.08.2019. On the strength of this Power of Attorney, the proposed 3rd defendant had sold the property to the proposed 4th defendant under a registered Sale Deed dated 01.12.2020.

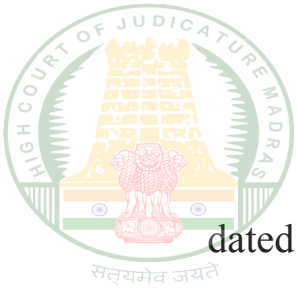


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Similarly, she had sold another extent of 1.09 ½ acre to the proposed 4th defendant under a registered Sale Deed dated 25.03.2021. The defendants 1 and 2 had no locus standii to convey the suit property to the proposed 3rd defendant through the Settlement Deed and Power of Attorney and the proposed 3rd defendant, in turn, had no authority to sell the property to the proposed 4th defendant. Therefore, the plaintiff sought to implead the respondents 3 and 4 as defendants in the suit.

5. The 2nd defendant had filed a counter affidavit, which was adopted by the 1st defendant, in which it has been contended that they are co-owners of the property and have every right to convey the property. Therefore, in exercise of their right as rightful owners, they conveyed the property to the proposed parties. They had very clearly stated that there was no necessity to implead the pendente lite purchasers, as any order that is likely to be passed against defendants 1 and 2 will automatically enure to the proposed parties.

6. The learned District Munsif, Madurantakam, by her order



C.R.P.PD.No.892 of 2025

dated 30.08.2024, was pleased to dismiss the said petition taking into account the fact that even in the absence of the proposed parties, the suit could be adjudicated effectively which would go to clearly show that neither of the parties required the presence of the proposed parties to arrive at a decision in the suit. The learned Judge had relied on a Judgment of this Court in **2001 (1) MLJ 101 [Bakthavatsalam Vs. Anjapuli and 5 others]** wherein it has been held that, any alienation pending the suit is hit by the doctrine of *lis pendens* and the subsequent purchasers, who purchased the property, are aware of the proceedings and are bound by the decisions to be rendered therein. Challenging the said order, the plaintiff is before this Court.

7. Heard the learned counsel for the petitioner and perused the materials available on record.

8. The proposed parties admittedly are pendente lite purchasers and their purchase would in no way affect the case of the plaintiff in as much as the proposed parties have only stepped into shoes of their



C.R.P.PD.No.892 of 2025

vendors namely defendants 1 and 2. The suit can be adjudicated effectively without impleading the proposed parties. Further, the defendants 1 and 2 have, in their counter, clearly stated that the proposed parties would be bound by any decision that is proposed to be passed against the defendants 1 and 2. Therefore, in the above circumstances, I see no reason to interfere with the order passed by the learned District Munsif, Madurantakam. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2025

srn

To

The District Munsif Court,
Madurantakam.



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P.T. ASHA, J.,

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