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CRP No. 681 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 681 of 2023

and

CMP NO. 5383 OF 2023

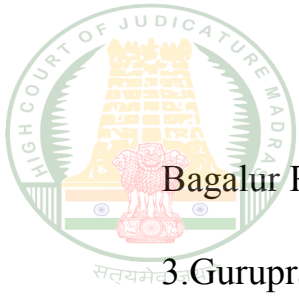
V.Krishnappa
S/o. Venkatesh,
Residing at D.No.4/138,
Iruthalam Village and Post,
Denkanikottai Taluk, Krishnagiri
District.

Petitioner(s)

Vs

1. Jyothi
D/o. Late. Thayappa Reddy,
W/o. Late. Narayanasamy,
Residing at No.310, 3rd I Cross,
Bachanna Layout, B.Channasandra,
Bannaswadi, Bangalore 560 043.

2.T.Ravindra Reddy
S/o. Thayappa Reddy,
Residing at Nandayala Yellamma Devi
Nilayam,
S.N.Y Apartments, Opp. T.T.D.
Kalyana Mantapam,
K.C.C. Nagar, Sampath Chetty Layout,



Bagalur Road, Hosur.

3. Guruprasad

S/o. Ravindra Reddy,

Residing at Nandayala Yellamma Devi
Nilayam,

S.N.Y Apartments, Opp. T.T.D.

Kalyana Mantapam, K.C.C. Nagar,

Sampath Chetty Layout, Bagalur Road,
Hosur.

4. Priyanka R. Reddy

D/o. Ravindra Reddy,

Residing at Nandayala Yellamma Devi
Nilayam,

S.N.Y Apartments, Opp. T.T.D.

Kalyana Mantapam, K.C.C. Nagar,

Sampath Chetty Layout, Bagalur Road,
Hosur.

5. T. Shekar Reddy

S/o. Late. Thayappa Reddy,

Residing at Nandayala Yellamma Devi
Nilayam,

S.N.Y Apartments, Opp. T.T.D.

Kalyana Mantapam,

K.C.C. Nagar, Sampath Chetty Layout,
Bagalur Road, Hosur.

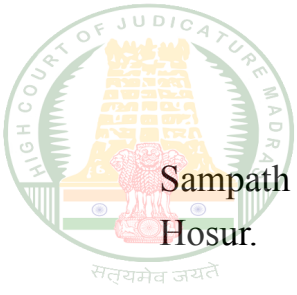
6. Pavithra Reddy

D/o. Shekar Reddy,

Residing at Nandayala Yellamma Devi
Nilayam,

S.N.Y Apartments, Opp. T.T.D.

Kalyana Mantapam, K.C.C. Nagar,



Sampath Chetty Layout, Bagalur Road,
Hosur.

WEB CASE NO. 7. Sai Neeraj

S/o. Shekar Reddy,
Residing at Nandayala Yellamma Devi
Nilayam,
S.N.Y Apartments, Opp. T.T.D.
Kalyana Mantapam, K.C.C. Nagar,
Sampath Chetty Layout, Bagalur Road,
Hosur.

8. Anjalamma

W/o. Muni Reddy, D/o. Late Thayappa
Reddy,
Residing at Nandayala Yellamma Devi
Nilayam,
S.N.Y Apartments, Opp. T.T.D.
Kalyana Mantapam, K.C.C. Nagar,
Sampath Chetty Layout, Bagalur Road,
Hosur.

9. Shilpa

D/o. Muni Reddy,
Residing at Nandayala Yellamma Devi
Nilayam,
S.N.Y Apartments, Opp. T.T.D.
Kalyana Mantapam, K.C.C. Nagar,
Sampath Chetty Layout, Bagalur Road,
Hosur.

10. Santhosh

S/o. Muni Reddy,
Residing at Nandayala Yellamma Devi
Nilayam,



S.N.Y Apartments, Opp. T.T.D.
Kalyana Mantapam, K.C.C. Nagar,
Sampath Chetty Layout, Bagalur Road,
Hosur.

11.K.L.Sampath Nagaraj
S/o. K.S. Lakshminarayana Chetty,
Residing at D.No.37, M.G. Road,
Hosur Town and Taluk, Krishnagiri
District.

12.K.S. Vani
D/o. K.L. Sampath Nagaraj,
Residing at No.327, 3rd E Main Road,
OMBR Layout, CMR Law College,
Banaswadi, Bangalore-560 043,
Karnataka State.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order in IA No.4/2022 in OS No.26/2020 on the file of Additional District Court, Hosur, dated 03.01.2023.

For Petitioner(s): Ms.R.Poornima

For Respondents Ms.Madhura
for Mr.R.Bharath Kumar
for R1
No appearance for R2 to R12



ORDER

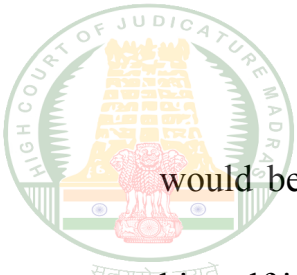
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This Civil Revision Petition is against the order of dismissing the impleading application filed by the purchasers, pending the suit for partition.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The learned counsel for the petitioner states that the petitioner has purchased a portion of the property, which has been described in Item No.23 in the schedule to the plaint for a valid consideration and that the revision petitioner has also taken possession and also constructed a residential house and living there. While so, on coming to know that the suit for partition is pending, the petitioner has immediately sought for impleading himself in the suit.

4. It is also the contention of the learned counsel for the petitioner that even his vendors are only the purchasers of a portion of the suit property and they were brought on record in the suit as defendants 10 and 11 and therefore, it



would be un-just to now deny the permission to the revision petitioner to get himself impleaded, especially to protect the interest as the petitioner has already constructed a building, expending substantial sum of money.

5. Ms.Madhura, learned counsel for the first respondent would contend that the property has been sold and changed several hands and if the present petitioner is allowed to get impleaded, then very likely a spate of other purchasers would also seek impleadment. She would also state that in the counter affidavit filed by the respondent/plaintiff, it is specifically stated that the petitioner is not claiming any right in respect of the property that has been purchased by the petitioner, who seeks impleadment as the 12th defendant.

6. Admittedly, even the preliminary decree has not been passed and the suit is still pending. It appears that in one of the items of the suit property, a layout formed and the petitioner/revision petitioner herein has purchased one of the plots, that too, from the subsequent purchasers, namely defendants 10 and 11 and the case of the plaintiff is that the share of the defendants 1 to 9 can also



be allotted to the revision petitioner who has stepped into the shoes of the defendants 10 and 11.

7. Considering the fact that the petitioner has already put up construction and resides in the said property that has been purchased by him, it would be proper to allow the petitioner to be impleaded as party in the suit, in order to enable him to protect his rights and in any event, considering that the suit is still pending and the preliminary decree has also not been passed, no serious prejudice would be caused, if the impleadment is ordered as sought for. The learned trial Court has, however, dismissed the application for impleadment, on the ground that the petitioner is a pendente lite purchaser and therefore he is not a proper/necessary party. The trial Court ought to have seen that the petitioner's interest would be seriously prejudiced, if he is not allowed to be a party to the suit and no prejudice would be caused to the plaintiff by permitting impleadment of the petitioner in the suit.

8. In view of the above, the order of the trial Court is set aside and



I.A.No.4 of 2022 is allowed. Considering that the suit is for partition and is of the year 2020, the Additional District Court, Hosur shall expedite the trial and dispose of the suit, within a period of six (6) months from the date of receipt of a copy of this order.

9. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

10-07-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Additional District Court, Hosur.



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P.B.BALAJI J.
jd

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AND CMP NO. 5383 OF
2023**

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