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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1254 of 2024
& CMP.No.6625 of 2024

Revathi Sasi

... Petitioner

Vs.

Audi Munusamy

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 08.12.2023 passed in I.A.No.2 of 2023 in O.S.No.122 of 2011 on the file of the District Munsif, Chengalpattu.

For Petitioner : Ms.Madhura
for Mr.R.Bharath Kumar

For Respondent : Mr.A.Murali

ORDER

The proposed impleading applicant, whose application to implead herself in the suit was dismissed, is the revision petitioner herein.



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2. Heard Ms. Madhura, learned counsel for the petitioner and Mr. A. Murali, learned counsel for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner's father is arrayed as the 6th defendant in the suit. A declaratory relief is sought for against the 6th defendant, challenging the very Sale Deed in favour of the 6th defendant. The suit is also filed for other reliefs of partition, etc. It is the categorical case of the petitioner that pending the suit, the 6th defendant has settled the property in favour of the petitioner, his daughter, out of natural love and affection. The learned counsel for the petitioner would further state that the very reason for settling the property is because of the advanced age of the 6th defendant and he is not in a position to attend the litigation. Under these circumstances, the petitioner sought impleadment as a defendant in the said suit.

4. The said application was resisted by the plaintiff and ultimately, on enquiry, the Trial Court has found that the Settlement Deed is hit by doctrine of *lis pendens* as set out in Section 52 of the Transfer of Property Act and



only on that ground, the impleading application came to be dismissed.

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5.The learned counsel for the petitioner would strongly relied on the decision of the Hon'ble Supreme Court in *Yogesh Goyanka Vs. Govind and Others*, reported in (2024) 7 SCC 524, where the Hon'ble Supreme Court has held that when it comes to impleadment of a transferee *pendente lite*, having notice of the pending litigation, the Courts have to be liberal in enabling the said subsequent transferees to get themselves impleaded in order to protect their interest in recognition of the possibilities of the transferor of *pendente lite* may not defend the title. It is the specific ground on which the petitioner sought impleadment, stating that the father was aged and was not able to attend the litigation. Therefore, the said reasoning is acceptable in the light of the ratio laid down by the Hon'ble Supreme Court in above mentioned case.

6.Insofar as the argument of the learned counsel for the respondent that the Sale Deed in favour of the 6th defendant itself is under challenge, it is needless to state that the settlement in favour of the petitioner, daughter of the 6th defendant would only be dependent on the ultimate relief of



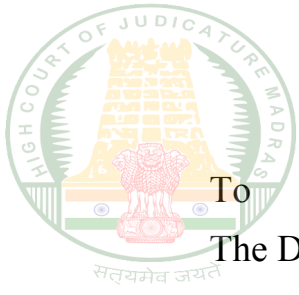
declaration that has been sought for challenging the Sale deed of the 6th defendant.

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7. In fine, the Civil Revision Petition is allowed and the order dated 08.12.2023 passed in I.A.No.2 of 2023 in O.S.No.122 of 2011 on the file of the District Munsif, Chengalpattu, is set aside. The petitioner is permitted to be impleaded as party defendant of the suit. The suit is of the year 2011 and hence, the Trial Court shall complete the pleadings, within a period of eight weeks from the date of receipt of a copy of this order and shall dispose of the suit, finally on or before 31.03.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

02.07.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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To
The District Munsif, Chengalpattu.

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P.B. BALAJI,J.

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