

WEB COPY

A No. 1127 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on:</i>	<i>02.09.2025</i>
<i>Pronounced on:</i>	<i>10.10.2025</i>

CORAM:

THE HONOURABLE DR.JUSTICE R.N.MANJULA

**A No. 1127 of 2025 & A NO. 2767 OF 2025
in A NO. 3404 OF 1997
in CS NO. 6 OF 1968**

1. Bethel Estates Private Limited.,
Old No.154, New No.68,
Rangarajapuram Main Road,
Kodambakkam, Chennai 600 024.
Rep. by Jacob George, Managing
Director

Applicant(s)

Vs

1. P.Guru Vittal
S/o.Late Padmanabhaiah Chetty, N.26,
Ramanan Street, Chennai 600 075.

2.K.Poornima
D/o.Late Murali Vittal and
W/o.Narendra, 153, First Floor, 4th
Main Opposite to V.V.Convention Hall,
10th Stage, BEML Layout,
Channasandra, Bangalore South 560
098.

3.M.Bhagyalakshmi
D/o.Late Murali Vittal,
W/o.M.Jithendra, No.35/85, Vadamalai
Street, Purasawalkam, Chennai 600
084.



WEB COPY

4.P.P.Kanniah

W/o.Late Pattu Padmanabhiah, No.26,
Ramanan Street, Chennai

5.P.K.Leelavathi

W/o.P.P.Kannia, No.26, Raamanan
Street, Chennai.

6.M/s.Revathi Textiles

Carrying on Busines at Purasawalkam
High Road, Chennai 7.

7.K.V.Kousalya Chetty

No.39, Perumal Koil, Garden Street,
Chennai 1.

8.M/s.Silver Knight Picture

No.13/3, Langs Garden Road, Chennai
2.

9.G.Ramathilakam

Chennai

10.P.K.Ashok Kumar

Chennai

11.K.Suguna

Chennai

12.D.Sai Sudha

Chennai

13.S.Hemalatha

Chennai

14.P.K.Chandrasekara Kumar

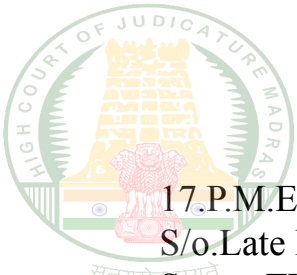
Chennai

15.P.K.Hemanth Kumar

Chennai

16.P.K.Purushotham Kumar

Minor



17.P.M.Ethiraj

S/o.Late Murali Vittal, Plot No.185, 5th Street, TVS Colony, Collector Nagar Bus Stop, Near Chennai Public School, Anna Nagar West Extension, Chennai 600 101.

18.P.M.Jeyaprakash

S/o.Late Murali Vittal, No.22/28, Dr.Muniyappa Road, Kilpauk, Chennai.

19.M.Chamundeshwari

D/o.Late Murali Vittal, W/o.Kesavan, No.64/3, 2nd Main Road, Royal Meridian Layout, Hongasandra Bergur, Bengaluru 560 078.

20.K.U.Yasodha

D/o.Late Murali Vittal, W/o.Umashankar, No.324, 11th Block, 4th Cross BSK 6th Stage, 80 Feet Road, Ganakal, Bangalore South 560 060.

21.C.G.Chandrika

W/o.Late Murali Vittal, W/o.Govradhan, No.34, Riotherdon Road, Vepery, Chennai 600 007.

22.Dhanalakshmi

W/o.Late Loganatha Vittal, New No.28, Old No.103, Venkatadhri Street, kosapet, Chennai 600 007.

23.Anuradha

No.10/1, Peters Street, Rajaji Nagar, Villivakkam, Chennai 600 049.

24.Gopi

No.6/14, Madurai Street, Choolai, Chennai 600 112.



25.Hemalatha Mothi Babu
W/o.Late Mothi Babu, Door No.57/58,
Ground Floor, Choolai High Road,
Choolai, Chennai 600 012.

26.Shirisha
D/o.Mothi, Door No.57-58, Ground
Floor, Choolai High Road, Choolai,
Chennai 600 012.

27.Monisha P.M,
D/o.Methi, Door NO.57-58, Ground
Floor, Choolai High Road, Choolai,
Chennai 600 112.

28.Bharathi
Door No.57-58, Ground Floor, Choolai
High Road, Choolai, Chennai 600 112.

29.Giribabu
Old No.103, New No.28, Venkatadhri
Street, Kosapet, Chennai 600 007.

30.Hemalatha
No.6/14, Madurai Street, Choolai,
Chennai 600 112.

31.Nirmala Chandra Gupta
No.2, Swamy Pillai Street, Choolai,
Chennai 600 112.

32.Vijaya Hemanth
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

33.P.A.Gunabhushanam
W/o.Late P.K.Ashok Kumar, Door
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

34.P.A.Giribabu
S/o.Late P.K.Ashok Kumar, Door



No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

35. Gayathri

D/o.Late P.K.Ashok Kumar, Old No.26,
New No.41, Ground Floor, Manikam
Street, Choolai, Chennai 600 112.

36. Rajkumar

S/o.Late D.Saisudha, Door NO.12/85,
K Panakara Street, S.K.Road,
Krishnapuram, Ambur 635 802.

37. Sukumar

S/o.Late Mrs.S.Hemalatha, No.13,
Rajiv Gandhi Nagar, Thathankuppam,
Villivakkam, No.5, 6th Street, Chennai
600 049.

38. Kamatchi

D/o.Late Mrs.S.Hemalatha, No.26,
Ramanuja Kudam Street, Old
Washermanpet, Chennai 600 021.

39. Sashikala

W/o.Late Chandrasekara Kumar,
No.27, V.P.Colony South Street,
Ayanavaram, Chennai 600 023.

40. Vandana

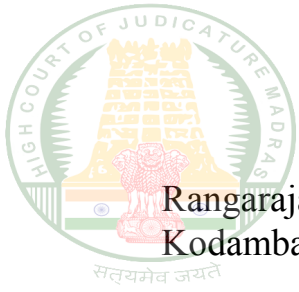
D/o.Late Chandrasekara Kumar,
NO.27, V.P.Colony, South Street,
Ayanavaram, Chennai 600 023.

Respondent(s)

A No. 2767 of 2025

1. Jacob George

Old No.154, New No.68,



Rangarajapuram Main Road,
Kodambakkam, Chennai 600 024.

WEB COPY

Applicant(s)

Vs

1. Guru Vittal
No.36, Gajapathy Street, Shenoy Nagar,
Chennai 600 030.
Murali Vittal (Deceased)
Loganatha Vittal (Deceased)
P.Yamuna Mohan (Deceased)

2.K.Poornima
D/o.Late Murali Vittal, W/o.Narendar,
No.153, 1st Floor, 4th Main Opp
V.V.Convention Hall, 10th Stage,
BEML Layout, Channasandra,
Purasawalkam, Chennai 600 084.

3.M.Bhagyalakshmi
D/o.Late Murali Vittal,
W/o.M.Jithendra, No.35/85, Vadamalai
Street, Puraswalkam, Chennai 600 084

4.P.K.Leelavathy
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079., C.Ramathilagam
(Deceased) P.K.Ashok Kumar
(Deceased)

5.K.Suguna
D/o.Late Pattu Kanniah Chetty,
W/o.Mr.K.R.Shanmugam, Sowcarpet,
Chennai 600 079.

6.P.K.Hemantha Kumar
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

7.P.K.Purushotham Kumar
SRC Lakshmi Apartment, Flat No.1,



Plot No.9, Sri Krishna Nagar, 3rd
Street, Perumbakkam, Chennai 600
100.

WEB COPY

8.P.M.Ethiraj
W/o.Late Murali Vittal, Plot NO.185,
5th Street, TVS Colony, Collector
Nagar Bus Stop, Near Chennai Public
School, Anna Nagar West Extension,
Chennai 600 101.

9.P.M.Jeyaprakash
W/o.Late Murali Vittal, 22/28,
Dr.Muniyappa Road, Kilpauk, Chennai

10.M.Chamundeshwari
D/o.Late Murali Vittal, W/o.Kesavan,
No.64/3, 2nd Main Road, Royal
Meridian Layout, Hongasandra, Begur,
Bengaluru 560078.

11.K.U.Yasodha
D/o.Late Murali Vittal,
W/o.Umashankar, No.324, 11th Block,
4th Cross BSK 6th Stage, 80 Feet Road
Ganakal, Bangalore South 560 060.

12.C.G.Chandrika
D/o.Late Murali Vittal,
W/o.Gowardhan No.34, Ritherdon
Road, Vepery, Chennai 600 007.

13.Dhanalakshmi
W/o.Late Loganatha Vittal, New No.28,
Old No.103, Venkatadhri Street,
Kosapet, Chennai 600 007.

14.Anuradha
No.10/1, Peters Street, Rajaji Nagar,
Villivakkam, Chennai 600 049.

15.Gopi



No.6/14, Madurai Street, Choolai,
Chennai 600 112.

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W/o.Late Mothi Babu, Door No.57-58,
Ground Floor, Choolai High Road,
Choolai, Chennai 600 112.

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D/o.Mothi, Door No.57/58, Ground
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D/o.Mothi, Door No.57/58, Ground
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Door No.57-58, Ground Floor, Choolai
High Road, Choolai, Chennai 600 112.

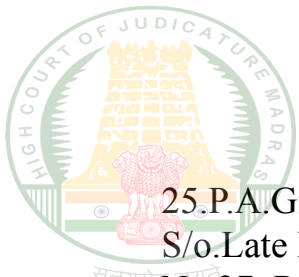
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Old No.103, New No.28, Venkatadhri
Street, Kosapet, Chennai 600 007.

21.Hemalatha
No.6/14, Madurai Street, Choolai,
Chennai 600 112.

22.Nirmala Chandra Gupta
No.2, Swamy Pillai Street, Choolai,
Chennai 600 112.

23.Vijaya Hemanth
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

24.P.A.Gunabhushanam
W/o.Late P.K.Ashok Kumar, Door
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.



25.P.A.Giribabu
S/o.Late P.K.Ashok Kumar, Door
No.27, Ramanan Road, Sowcarpet,
Chennai 600 079.

26.Gayathri
D/o.Late P.K.Ashok Kumar, Old No.26,
New No.41, Ground Floor, Manikam
Street, Choolai, Chennai 600 112.

27.Rajkumar
S/o.Late D.Saisudha Door No.12/85, K
Panakara Street, S.K.Road,
Krishnapura, Ambur 635 802.

28.Sukumar
S/o.Late Mrs.S.Hemalatha, No.13,
Rajiv Gandhi Nagar, Thathankuppam,
Villivakkam, No.5, 6th Street, Chennai
600 049.

29.Kamatchi
D/o.Late Mrs.S.Hemalatha, No.26,
Ramanujakudam Street, Old
Washermanpet, Chennai 600 021.

30.Sashikala
W/o.Late Chandrasekara Kumar,
No.27, V.P.Colony South Street,
Ayanavaram, Chennai 600 023.

31.Vandana
D/o.Late Chandrasekara Kumar, No.27,
V.P.Colony South Street, Ayanavaram,
Chennai 600 023.

Respondent(s)

A No. 1127 of 2025

PRAYER: Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Order
I Rule 10(2) of C.P.C. to implead the Applicant Company as Respondent No.34



in A.No.3404 of 1997 in C.S.No.6 of 1968, pending disposal of the said application.

WEB COPY

A No. 2767 of 2025

PRAYER: Application is filed under Order 14 Rule 8 of O.S.Rules r/w. Order 1 Rule 10(2) of C.P.C. to implead the Applicant as Respondent in A.No.3404 of 1997 in C.S.No.6 of 1968, pending disposal of the said application.

In A.No.1127 of 2025:

For Applicant : Mr.K.V.Babu

For Respondent 1 to 3 : Mr.U.G.Sureshkumar

In A.No.2767 of 2025:

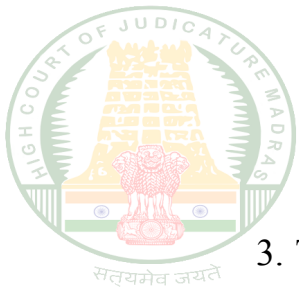
For Applicant : Mr.P.Giridharan

For Respondent 1 to 3 : Mr.U.G.Sureshkumar

COMMON ORDER

These applications have been filed by third party applicants who claim themselves having interest in the suit property.

2. Before proceeding to the merits of the applications filed by the applicants, it should be made clear as to the stage of the proceedings in C.S.No.6/1968. The suit in C.S.No.6/1968 is a suit filed by the plaintiffs for claiming partition. In the said suit a preliminary decree has been passed on 19.06.1989 by determining the share of the plaintiffs as 4/5 in the western half of premises No.26, Ramanan Street, Madras-1 and 4/5th share in the house site measuring 36 grounds purchased under Ex.B29 in R.S.No.1 Rangarajapuram, Puliyur Village and 4/5th share in the Gold Jewellery seized by the Income Tax Department.



3. The above suit in C.S.No.6/1968 has been filed by the plaintiffs for a decree for dissolution and rendering accounts of the partnership business “P.P.C. & Sons” and all his business viz., Padmanaba Talkies, Sri.Padmanabha Lorry Service, Padmanabha Commercial Corporation and for rendering accounts of all concerns started and conducted by the first defendant, either in his name, in the name of his wife or in the name of his son, either individually or in partnership with others which have been mentioned in the plaint viz., Southern Agencies Corporation, Patta Padmanabhauag & Co., and Revathi Textiles. In pursuant to the preliminary decree, the partnership concern was dissolved and the properties of the partnership have been allowed to be divided among the partners who are the parties to the suit in the ratio as determined by the Court.

4. These applicants claim that they have acquired interest in the property through the legal heirs of the first defendant of the suit by name P.P.Kanniah in one of the suit properties measuring 36 grounds. It is needless to state that the applicants were not the parties to the suit and their title deed, if any, was not in existence at the time when C.S.No.6 of 1968 was filed and the preliminary decree was passed on 19.06.1989. The decree passed by this Court in C.S.No.6 of 1968 has been challenged before the Division Bench of this Court and thereafter, by way of preferring a Special Leave Petition before the Hon'ble Supreme Court and the preliminary decree got confirmed.

5. The third parties have not filed any application seeking permission to challenge the preliminary decree. In the judgment of C.S.No.6 of 1968 itself it



has been clearly observed that 36 grounds purchased under Ex.B29 by the first defendant is from and out of the income of the partnership business. Even though the first defendant got entitled to 1/5th share of the subject property, the legal heirs of the first defendant along with his son-in-law had executed a sale deed by conveying 9 grounds and 1383 sq.ft., in favour of one A.G.Abraham during the auction proceedings initiated by the Income Tax Department. In fact the final decree has also been passed on 30.06.1989 on the application preferred by the plaintiff in A.No.1326 of 1983. In the additional affidavit filed by one of the applicants, the above facts have been admitted. The terms of final decree has also been extracted as under:

“ A) The partnership business PPC and sons and all its business viz. Padmanabha Talkies, Sri Padmanabha Lorry Services and Padmanabha Commercial Corporation be and hereby dissolved.

B) The plaintiff herein shall be entitled to total amount of Rs.56,92,398.31/-

C) The Plaintiff shall be entitled to 4/5th share in the western half of the premises in No.26, Raman Road, Madras – 1 and 4/5th of share in house site measuring 36 grounds in No.1, Ranagarajapuram, Puliur Village and 4/5th share in the jewellery, gold etc., seized by the Income Tax Department.

D) Mr.N.Rajaraman, Advocate was appointed as the Commissioner to submit the scheme of the division of the immovable property viz., western half of the premises in No.26, Ramana Road, Madras-1 and the house site measuring 36 grounds in No.1, Rangarajapuram, Puliur Village, so that 4/5th share thereof may be allotted to the plaintiff on the scheme of division shall be submitted to this court within a period of 6 weeks from 19.06.1989 i.e. on or before 07.08.1989 and

E) such other orders.”



6. Now the applicants have stated that the application in A.No.3404/1997 has been filed after 26 years to discharge the earlier Advocate Commissioner and to appoint a new Advocate Commissioner to inspect the suit property and file a report as to the feasibility of dividing the property belonging to the applicants therein. In fact, the Court has extended the time for filing the report on 17.02.2025 along with a direction to provide Police assistance to open the premises.

7. These applicants claimed to have purchased 21 grounds 2367 sq.ft., out of the total extent of 36 grounds. The above portion is exclusive of the portion of the property sold in auction proceedings initiated by Income Tax Department against the first defendant. Without any doubt, the above sale came into existence after the final decree has been passed. In fact, in the suit proceedings, it has been held that the first defendant had purchased the above property from and out of the income of the partnership business and hence the property belongs to the partnership firm. Knowing well about the Income Tax proceedings, the applicants have purchased the suit property from the legal heirs of the first defendant. Any transaction done during the pendency of the suit can only be considered as *lis pendens*. In fact in the final decree proceedings, it has been observed that the property sold in public action by the Income Tax Department is in excess of the share belonged to one of the sharers, the first respondent herein.

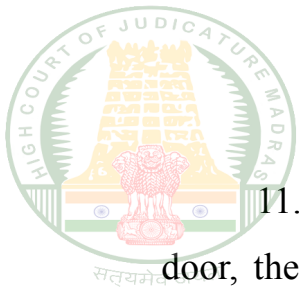
8. Both the applicants claim their interest only through the first defendant. The first defendant himself did not have any entitlement over the suit property beyond 1/5th share as observed in the judgment of this Court and the final decree. These applicants invited trouble by purchasing the property



unmindful of the pending suit and now had filed these applications just by taking advantage of the order dated 27.01.2025 in A.No.3404/1997 in C.S.No.6/1968. Through the said order, the earlier Advocate Commissioner was discharged and new Advocate Commissioner was appointed and he has been directed to inspect the suit property and file a report on the feasibility of dividing the property as per the terms of the decree. By a subsequent order dated 17.02.2025, Police assistance have also been issued.

9. These applicants who claim themselves as *bona fide* purchasers ought to have clarified the title of their vendor before entering into any sale transaction. Though the applicants were aware of the earlier proceedings initiated against the first defendant by the Income Tax Department, they have taken the risk of purchasing the property excess to the entitlement of the first defendant from his legal heirs. As the nature of the property and the source through which the property have been purchased, were all the matters in issue of the suit in C.S.No.6 of 1968 and they have been settled once and for all, the matter cannot be reagitated by these applicants, who involved themselves by purchasing the excess property.

10. In the guise of filing the applications to implead themselves as a party to the suit which has already disposed and attained finality, the applicants have tried to give life to issues which have got settled by the judgment of this Court. Such attempts of the applicants cannot be encouraged and the applicants cannot be allowed to raise any contentions about their entitlement at this stretch of time and that too by impleading themselves as parties to A.No.3404/1997.



11. As the Court has already given Police assistance to break open the door, the applicant's, at the best, can be impleaded just to take notice of the proceedings without raising any claim in the property. If the applicants thought it fit that they have valid claim over the suit property and that they have valid grounds, they ought to have filed a suit to set aside the decree which has already been passed in C.S.No.6/1968.

12. As the applicants have derived title through the legal heir of one of the defendants to the suit in C.S.No.6/1968, they can only enjoy the extent of right or title allotted to the first defendant by way of the judgment passed in C.S.No.6/1968. The applicants cannot be allowed to make any allegations as though they have independent *locus standi* in the suit which has been disposed long ago, by indirectly entering as parties to the application in A.No.3404/1997.

13. In the result, these applications are dismissed. No costs.

10 -10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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A No. 1127 of 2025



R.N.MANJULA J.

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**A No. 1127 of 2025
AND CS NO. 6 OF
1968,A NO. 2767 OF
2025,A NO. 3404 OF
1997**

10 -10-2025