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CRP. PD. No.1357 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:23.07.2025

Pronounced on:28.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. PD. No.1357 of 2025

and CMP. No.8052 of 2025

- 1.Mr.C.Viswanathan
- 2.Mrs.S.Usha
- 3.K.Senthil

Petitioner

Vs

- 1.Usha Nandhakumar
- 2.K.R.Ravishankar @ Rajpa Ravishenkar
- 3.R.M.Veerappan
- 4.G.Muruga Chidambaram
- 5.S.Subramanian
- 6.The Sub Registrar,
Sub Registrar,
2nd Floor, J.J.Complex,
Anna Nagar, Chennai – 600 040.
- 7.The Sub Registrar,
Sub Registrar Office,
Villivakkam Office at
Korattur, Chennai – 600 080.
- 8.D.Chitra

...Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 20.12.2024 in I.A. No.3 of 2024 in O.S. No.7373 of 2019 passed by XI Assistant City Civil Court, Chennai.

For Petitioners : Mr.C.Umashankar
for Mr.M.Sevam



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For Respondents : Mr.D.Babu Varadharajan
for R1
Mr.P.Gurunathan,
Additional Government Pleader
for R6 & R7
No Appearance for R2 to 5 & R8

ORDER

The revision petitioners sought to implead themselves as proposed defendants in O.S.No.7373 of 2019. The said Application came to be dismissed by the Trial Court and challenging the said order, the present revision has been preferred.

2. I have heard Mr.C.Umashankar, learned counsel for Mr.M.Selvam, learned counsel for the petitioner, Mr.D.Babu, Varadarajan, learned counsel for the first respondent, and Mr.P.Gurunathan, learned Additional Government Pleader for respondents 6 and 7.

3. The learned counsel for the petitioners, Mr.C.Umashankar, would state that the revision petitioners are owners of flats in the suit property and since the first respondent/plaintiff has proceeded to purchase a portion of the suit property which was actually set apart as a



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lumbar room and has sought for various reliefs in the said suit. He would contend that the revision petitioners are proper as well as necessary parties to the suit. He would further state that the revision petitioners had filed a suit in O.S.No.4837 of 2021 raising the issue of purchasing a portion of the property by the respondents herein and that the area that has been set apart as lumbar room has been fraudulently purchased by the respondent. He would however submit that pending the said suit, an Application was filed by the first respondent herein, who was the 15th defendant in the said suit, seeking to reject the plaint. After due enquiry, the learned IV Additional City Civil Court, Chennai has rejected the plaint by allowing I.A.No. 5 of 2022.

4. However, Mr.C.Umashankar would state that as against the said rejection of plaint A.S.No.718 of 2023 has been filed by the revision petitioners and the same is pending before this Court. He would therefore state that the revision petitioners' presence would be absolutely necessary to adjudicate the issues that arise in O.S.No.7373 of 2019. The learned counsel would therefore pray for the revision being allowed.

5. Per contra, Mr.Babu Varadarajan, learned counsel for the first



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respondent, would first and foremost contend that there is no such area as lumbar room that has been demarcated and the revision petitioner has purchased the property being a one-fifth undivided share together with a built-up area of 600 square feet consisting of ground and first floor in a bank auction, under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

6. Referring to the reliefs sought for in the said suit O.S.No.7373 of 2019, the learned counsel for the first respondent would state that these revision petitioners are not necessary to decide any of the issues that arise for consideration in the said suit. He would therefore state that the order of the Trial Court does not warrant any interference.

7. I have carefully considered the submissions advanced by the learned counsel on either side.

8. The first respondent as plaintiff has filed the said suit in O.S.No.7373 of 2019 for the following reliefs:

“(a) for declaration declaring the Power of Attorney dated 28.03.2008 vide Document No.578/2008 of Book No.4 in the office of



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the 6th Defendant, said to have been executed by 1st Defendant to and in favour of 2nd Defendant, in respect of the suit property, is illegal, invalid, null and void and also not binding on the Plaintiff;

(b) For Consequential injunction directing the 6th Defendant to make necessary entries in the concerned records about the cancellation of Power of Attorney dated 28-03-2008 vide Document No.578/2008 of Book No.4;

(c) For Declaration declaring the Sale Deed dt.05-01-2009 vide Document No.22/2009 of Book No.1 in the office of the 5th Defendant, said to have been executed by 2nd Defendant, on behalf of the 1st Defendant, to and in favour of 3rd Defendant, in respect of the suit property, is illegal, invalid, null and void and also not binding on the Plaintiff;

(d) For Declaration declaring the Sale Agreement dt. 20-04-2000 vide Document No.1221/2009 of Book No.1 in the office of the 5th Defendant, said to have been executed by 3rd Defendant to and in favour of 4th Defendant, in respect of the suit property, is illegal, invalid and null and void and also not binding on the Plaintiff,

(e) For Consequential injunction directing the 5th defendant to make necessary entries in the concerned records about the cancellation of Sale Deed dated 05-01-2009 vide Document No.22/2009 of Book No.1; and Sale Agreement dated 20-04-2009 vide Document No. 1221/2009 of Book No.1

(f) Costs of this suit, and

(g) Pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice."

9. Even the schedule that is set out to the plaint is only the property that has been successfully bid by the first respondent under the SARFAESI Act. Admittedly, a sale certificate has been issued by the authorized officer of Asset Reconstruction Company India Limited (ARCIL) and the sale certificate is no doubt pending registration. It is the case of the first respondent that the sale certificate was refused to be



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registered only on account of certain fraudulent documents that were created by defendants 2 to 4 in the said suit and it is only these documents that are sought to be challenged in the suit. I do not find any reference to the plaintiff claiming possession of the scheduled property in the said suit. All the five reliefs are only pertaining to documents and entries in official records.

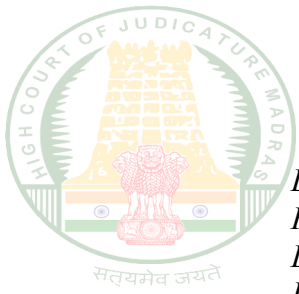
10. Insofar as the suit filed by the revision petitioners in O.S.No.4837 of 2021, the revision petitioners seek the following reliefs:

w5“(a) To declare that the Plaintiffs are entitled to use the lumber room equally which is more fully described in the Schedule B property and consequently direct the 13th Defendant - Asset Reconstruction Company (India) Limited to handover the suit Schedule B property to the Plaintiffs failing which this Hon'ble court may deliver the same.

(b) To declare that the Plaintiffs are the sole and absolute owners of the suit Schedule C property by way of adverse possession and consequently grant permanent injunction restraining the 12th Defendant - Standard Chartered Bank, the 13th Defendant - Asset Reconstruction Company (India) Limited and the 15th Defendant - Usha Nandakumar their men, agents, savants or any persons claiming under them from any way interfere with the peaceful possession and enjoyment of suit Schedule - C property.

(c) To declare that the Sale Deed bearing Document No. 1135 of 1987. Book No. I, dated 9.03.1987, registered in the office of the 16th Defendant - Sub Registrar, Anna Nagar executed by Suseela Jaganathan, the 1th Defendant - Ravi Jagan being represented by his mother and Power Agent Suseela Jaganathan, the 2nd Defendant - Mala Jagan @ Mala Chatterjee being represented by her mother and Power Agent Suseela Jaganathan and J.Mahendran being represented by his mother and Power Agent Suseela Jaganathan to and in favour of P.V.Visalakshi as null and void and not binding on the Plaintiffs,

(d) To declare that the Sale Deed bearing Document No. 1923 of 2003, Book No. 1, dated 29.05.2003, registered in the office of the 16th



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Defendant-Sub Registrar, Anna Nagar executed by the 3rd Defendant - K.R.Ramachandran, the 4th Defendant - K.R. Viswanath and the 5th Defendant - K.R.Sinduja to and in favour of the 6th Defendant - K.R.Ravishanker @ Rajpa Ravishenkar as null and void and not binding on the Plaintiffs,

(e) To declare that the General Power Of Attorney bearing Document No. 578 of 2008, Book No. IV, dated 28.03.2008, registered in the office of the 17th Defendant - Sub Registrar, Villivakkam executed by the 6th Defendant - K.R.Ravishanker @ Rajpa Ravishenkar to and in favour of the 7th Defendant - R.M. Veerappanas null and void and not binding on the Plaintiffs,

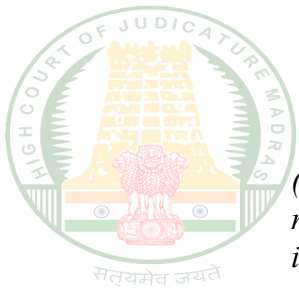
(f) To declare that the Sale Deed bearing Document No. 22 of 2009, Book No. I, dated 05.01.2009, registered in the office of the 16th Defendant-Sub Registrar, Anna Nagar executed by the 7th Defendant - R.M.Veerappan being the Power Agent of the 6th Defendant -K.R.Ravishanker @ Rajpa Ravishenkar to and in favour of the 8th Defendant - G.Muruga Chidambaram as null and void and not binding on the Plaintiffs,

(g) To declare that the Warrant Of Attachment before Judgment of Immovable Property registered as Document No. 28 of 2009, Book No. 1, dated 18.09.2009, registered in the office of 16 Defendant-Sub Registrar, Anna Nagar as null and void and not binding on the Plaintiffs,

(h) To declare that the Item No. 9 at Page 36 & 37 in respect of the suit Schedule B & C properties in the Assignment Deed bearing Document No. 3884 of 2009, Book No. 1, dated 31.03.2009 registered on 17.06.2009, registered in the office of the 18 Defendant - Sub Registrar, Sembiam executed by the 12th Defendant - Standard Chartered Bank to and in favour of the 13th Defendant-Asset Reconstruction Company (India) Limited as null and void and not binding on the Plaintiffs,

(i) To declare that the Agreement of Sale bearing Document No. 1221 of 2009, Book No. 1, dated 20.04.2009, registered in the office of the 16th Defendant Sub Registrar, Anna Nagar executed between the 8th Defendant - G.Muruga Chidambaram and the 14th Defendant - S.Subramanian as null and void and not binding on the Plaintiffs,

(j) To grant permanent injunction restraining the 6th Defendant-K.R.Ravishankar @ Rajpa Ravishenkar, the 7th Defendant - R.M. Veerappan, the 8th Defendant - G.Muruga Chidambaram the 9th Defendant-R.Alagupandi, the 12th Defendant-Standard Chartered Bank, the 13th Defendant - Asset Reconstruction Company (India) Limited, the 14th Defendant - S.Subramanian and the 15th Defendant - Usha Nandakumar, their men, agent or any persons claiming under them from any way further encumbering by way of alienation, mortgage etc. with regard to suit schedule B & C properties and thus render justice.



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(k) To direct the 16th Defendant - The Sub Registrar, Anna Nagar to register the Judgment and Decree of this Hon'ble Court in the above case in their records,

(l) To pass any other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

(m) To cost of the suit. ”

11. In the said suit, the first respondent/plaintiff herein is arrayed as the 15th defendant and the title of the first respondent is also challenged by the revision petitioners. The relief is also sought for against the first respondent/plaintiff herein in the said suit. Admittedly, the said plaint filed by the revision petitioners has been rejected and as against the same a statutory Appeal has been preferred and the same is pending.

12. If at all the revision petitioners ultimately succeed in the said first appeal, automatically their rights, subject to decree passed in the first appeal can be enforced/exercised. In so far as the present suit is concerned, there is absolutely no reference to any lumbar room and the *lis* is entirely restricted as between the first respondent and defendants 1 to 4 and official respondents 5 and 6. Pertaining to registered documents and the reliefs sought for are also only in the nature of declaration to invalidate the said documents by declaring them as null and void and not



binding on the plaintiff and injunctions directing the official respondents to make necessary entries regarding the cancellation.

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13. In view of the scope of the said suit, I do not find either the rights of the revision petitioners being affected in any manner or that the revision petitioners are proper or necessary parties in the said suit to enable the Court to adjudicate the issues that arise for consideration as between the plaintiff and the existing defendants in the said suit. The contentious issues that are raised by the revision petitioners is anyway subject matter of First Appeal in A.S.No.718 of 2023. Therefore, there is no necessity to expand the scope of the trial in O.S.No.7373 of 2019. The Trial Court has rightly found that the revision petitioners are neither proper nor necessary parties to adjudicate the issues that arise for consideration in O.S.No.7373 of 2019.

14. I find that the Trial Court has considered all material circumstances and facts that were brought to its notice and ultimately found that the presence of the revision petitioners was not required for deciding the disputes raised by the plaintiff in the suit on hand.



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15. I do not find any grounds to interfere with the said well-reasoned order of the trial. Consequently, no merit, the Civil Revision Petition is dismissed. Considering the suit is of the year 2019, the Trial Court is directed to expedite the trial and dispose of the same on merits and in accordance with law, on or before 31.01.2026. Connected Miscellaneous Petition is also closed. No costs.

28.07.2025

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Index : Yes / No

Internet : Yes / No

To:

The XI Assistant City Civil Court,
Chennai.



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P.B.BALAJI, J.,

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Pre-delivery order in
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