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C.M.P. No.10018 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.M.P. No.10018 of 2025

IN

A.S. No.184 OF 2022

R.Krishnamoorthy

Res. at 69, Karumarampalayam,
Uthukuil Main Road, Tiruppur.

Appellant(s)

Vs

A.P.Visalakshi Achi (died)

1.Valli

W/o Late Annamalai

Residing at No.4, Arunodhya
Appartments, Choolaimedu High Road,
Chennai 600 094.

2.Sundaram Anantha Padmanaban

S/o late Anantha Padmanaban

Residing at No.24, OA Street,
Pallathur, Sivaganga Dt. 630107

..Respondents 1 & 2/Appellants 23 & 4/LR of deceased
Appellants 1 & 2

3.Shree Arunachaleswarar Mills,

A partnership Firm registered under the
Indian partnership Act, 1932, having its



registered office at, Old No.9, New
No.10, Municipal Office Street,
Valarmathi Lane, Tiruppur - 641 604
and Factory at Narasingapuram, Palai
Road, Udumalpet, Rep. by its
Managing Partner, S.Natarajamoorthi,
S/o.V.Subramaniam.

4.S.Natarajamoorthi
S/o.V.Subramaniam, Partner, M/s.Shree
Arunachaleswarar Mills, No.2, Giri
Nagar 2nd Street, Poocakadu, Tiruppur
- 641 604.

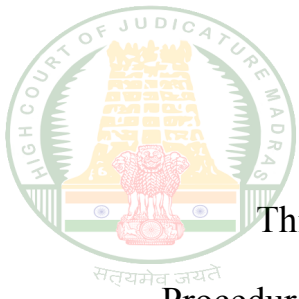
5.S.Kaveriammal
W/o V.Subramaniam, Partner,
No.2, Giri Nagar 2nd Street,
Poocakadu, Tiruppur - 641 604.

.. Respondents 3 to 5/Respondents 1 to 3 / Plaintiffs

6.Muthu Adaikappan Anantha
Padmanaban
S/o late Anantha Padmanaban, Res. at
Old No.127, New No.233, Peters Road,
Gopalapuram, Chennai 600086

7.Annamalai Anantha Padmanaban
S/o. Late Anantha Padmanaban, Res, at
No.17, AKM Manor, 3rd floor, 16/24,
Reddy street, Vijayam Bakary,
Chennai-600 092

..Respondents 6 & 7/Respondents 4 & 5/LRs of
deceased Appellants 1 & 2



This petition has been filed under Order 1 Rule 10(2) of Code of Civil Procedure, 1908, to implead the petitioner as the 6th respondent in A.S.No.184 of 2022.

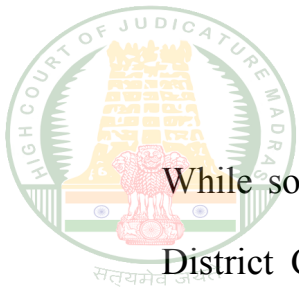
For Petitioner :Mr.K.Harishanakar
Mr.K.Surender for
Mr.N.Sathishkumar

For Respondents: Mr.E.Prabu, for
Mr.M.Muhideen Pitcha for R5 to
R7
Mr.P.R.Raman, Senior Counsel
for Mr.A.Uma Sankar for R1 and
R2

ORDER

This petition is filed to implead the petitioner herein as the 6th respondent in A.S.No.184 of 2022.

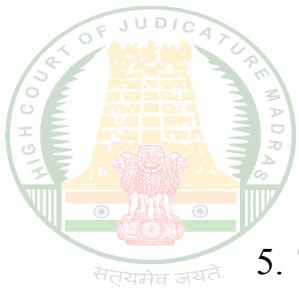
2.The case of the petitioner is that, the petitioner is the holder of an unregistered sale agreement with Anantha Padmanaban, Visalakshi Aachi and Muthuadaikappan and others, in respect of the property, which was earlier held by the partnership firm, by name, Shree Arunachaleswarar Mills. He had instituted a suit in O.S.No.68 of 2018 on the file of Principal Subordinate Judge, Udumalpet, for enforcement of the sale agreement and the same is pending.



While so, subsequent suit in O.S.No.252 of 2018 on the file of the Principal District Court, Tiruppur in the name of M/s Shree Arunachaleswarar Mills represented by its Managing Partner S. Natarajamoorthi along with S. Kaveriammal to declare the partnership deed dated 13.10.2016 entered into between the defendants in the name of Shree Arunachaleswarar Mills as null and void and consequential relief of Permanent Injunction restraining the defendants from interfering with the peaceful possession, enjoyment, management and control of the suit property in any manner. The suit property includes the property, which the petitioner herein entered into the sale agreement with the private individuals.

3. The issue is whether the property belongs to Shree Arunachaleswarar Mills or the property of the individuals, who are the erstwhile partners of the said Mills and whether the erstwhile partners of Shree Arunachaleswarar Mills, deal with the suit properties after retiring from the partnership firm and the reconstitution of the Mills by Natarajamoorthy and others.

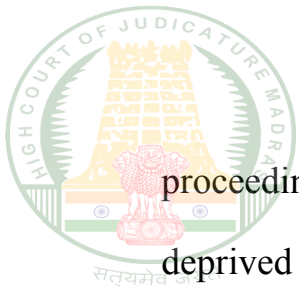
4. The Court in O.S.No.252 of 2018 had declared that the newly constituted partnership firm by name Shree Arunachaleswarar Mills is null and void and permanent injunction restraining the defendants from dealing with the suit schedule property is granted.



5. The present implead petition is filed on the ground that the restraint order, which was passed behind back of the petitioner, had prejudiced him, since the order passed against them without hearing him. He is a necessary party to the litigation. Therefore, he must be impleaded in the appeal to voice his right, since he is interested in one of the suit property and already instituted the suit for specific performance and pending, in which the most of the contested parties in the appeal are defendants.

6. The learned counsel appearing for the petitioner further submitted that the suit for specific performance instituted by the petitioner was filed earlier in point of time and the parties in O.S.No.252 of 2018, were aware of the pendency of the suit. Despite of their knowledge about pendency of the suit, no steps have been taken to implead the petitioner in O.S.No.252 of 2018, however, adverse order been obtained behind his back.

7. This Court, after considering the arguments placed by the learned counsels appearing for the parties, finds that the judgment impugned which restrained the appellant from dealing with the suit schedule properties, implicitly affects the rights of the petitioner, who wants to get himself impleaded in the appeal. No doubt, the right of the petitioner in the suit property will be subject to the right of the vendors, who are the respondents 4 and 5 and the appellants 3 and 4. The participation of the petitioner in the



proceedings, being necessary party for the Court to take decision, cannot be deprived on the principle of *Dominus Litis*. The facts of the case and the pleadings placed before the Court touches upon the interest of the impleaded petitioner, which he claims through the parties, who are already in the proceedings. To avoid causing prejudice to the petitioner, opportunity of hearing is to be afforded following the principle of natural justice. Therefore, the petition to implead is allowed on condition and with a caveat that impleading will not be presumed, the claim of the impeading petitioner is accepted but only to get assistance for the Court to arrive at right decision.

11-07-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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Note:Registry is directed to carry out necessary amendment in the main case.

To

1.A.P.VISALAKSHI ACHI (died)

1.VALLI

W/o late Annamalai, Res. at No.4,
Arunodhya Apartments, Choolaimedu
High Road, Chennai-600094

2.Sundaram Anantha Padmanaban

S/o late Anantha Padmanaban Res. at
No.24, OA Street, Pallathur, Sivaganga
Dt. 630107



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