



C.R.P.No.5424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5424 of 2025
and
C.M.P.No.27299 of 2025

1.Suseela.C

2.C.Pandian

... Petitioners

VS.

1.M/s.Nandha Builders,
Represented by Mr.C.N.Ramesh Reddy,
S/o C.K.Nandana Krishnan,
No. 48, Bazaar Street, Villivakkam,
Chennai – 600049

2.C.N.Ramesh Reddy

3.Prathap Chandran

4.Corporate Bank,
Represented by its Branch Manager,
Kilpauk Branch, No.112,
Choolai High Road, Choolai,
Chennai – 600112

5.D.M.Dinesh Kumar

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.03.2025 passed in I.A.No.1 of 2019 in O.S.No.538 of 2017 passed by the V Assistant City Civil Court, Chennai and allow the Civil Revision Petition.

For Petitioners : Mr.S.Kingston Jerold

ORDER

The Civil Revision Petition is filed challenging the order passed by the V Assistant City Civil Court, Chennai, dismissing the impleading application filed by the petitioners/defendants 1 and 2, by order dated 05.03.2025 in I.A.No.1 of 2019 in O.S.No.538 of 2017.

2. The 4th defendant/Bank filed a suit for recovery of money based on mortgage by deposit of title deeds against the petitioners. According to the 4th respondent, the 1st petitioner representing herself as owner of Flat No.G1 deposited her title deed and obtained housing loan from 4th respondent/Bank. The 2nd petitioner, husband of the 1st petitioner is the co-applicant. The 5th respondent stood as a guarantor. Since there was default



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on the part of the petitioners in payment of mortgage debt, the 4th respondent/Bank was constrained to file a suit for recovery of money by enforcing the mortgage.

3. The petitioners 1 and 2, who were arrayed as defendants 1 and 2 in the suit, filed instant application seeking to implead the respondents 1 to 3 as party defendants 4 to 6 in the suit. According to the petitioners, the proposed 2nd respondent issued advertisement regarding construction of flats. The 1st petitioner approached him for the purpose of purchase of the flat. She also entered into a Construction Agreement with the 1st respondent for the purpose of constructing flats. The respondents 1 and 2 promised to handover Flat G-1 in ground floor and received the entire sale consideration. However, the 1st respondent failed to obtain necessary permission from CMDA and did not handover Flat in G-1 instead asked the petitioners to take flat in second floor. Since the respondents 1 and 2 cheated the petitioners, the instant application has been filed seeking their impleadment. The Court below dismissed the said impleading application. Aggrieved by the same, the petitioners have come before this Court.



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4. The learned counsel appearing for the petitioners vehemently contended that though the petitioners entered into an agreement with the proposed parties/respondents 1 and 2 for purchase of Flat G-1 in ground floor, the respondents 1 and 2 have not been handed over the said flat to the petitioners and they have been handed over only the flat in second floor. The respondents 1 and 2 also failed to get necessary planning permission from CMDA. In view of the illegal act of the respondents 1 and 2, according to the petitioners, they were cheated and hence, the respondents 1 and 2 shall be impleaded in the suit.

5. The 4th respondent/Bank filed a suit for recovery of money based on the mortgage by deposit of title deeds executed by petitioners in favour of 4th respondent/Bank. The proposed parties namely respondents 1 to 3 are not at all parties to the mortgage deed executed by the petitioners in favour of the 4th respondent/Bank. The 1st petitioner executed mortgage deed as owner, the 2nd petitioner joined the mortgage deed as co-applicant and the 5th respondent stood as a guarantor.



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6. In such circumstances, the respondents 1 to 3, who are third parties to the mortgage deed are not at all necessary parties in a suit for recovery of money based on mortgage by deposit of title deeds. The Trial Court rightly dismissed the impleading application and I do not find any error in the impugned order passed by the V Assistant City Civil Court, Chennai in I.A.No.1 of 2019 in O.S.No.538 of 2017, dated 05.03.2025.

7. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

11.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

1.The V Assistant City Civil Court,
Chennai.

2.The Branch Manager,
Corporate Bank,
Kilpauk Branch, No.112,
Choolai High Road, Choolai,
Chennai – 600112.

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S.SOUNTHAR, J.

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