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C.R.P.No.(PD).2825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.R.P.(PD).No.2825 of 2022

and

C.M.P.No.15251 of 2022

Kaliyamurthy

...Petitioner/Petitioner/Plaintiff

Vs.

1.Deepa

...Respondent/Respondent/Defendant

2.Naveen (Minor)

S/o. Late Venkatesan

3.Praveen (Minor)

S/o. Late Venkatesan

(Respondents 2 and 3 are represented
by their mother and natural Guardian
Deepa, the 1st respondent herein)

4.Banumathi

5.Usha

6.Selvi

7.Jayamurthy

8.Vijayalakshmi

9.Gopal

...Third parties/Proposed Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal Order dated March 25, 2022, made in I.A.No.4 of 2019 in O.S.No.105 of 2014 on the file of the 'Additional District Judge, IFast Track Court), Villupuram'.



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For Petitioner : Mr.S.C. Vishwanath

For Respondents : Mr.K.Myilsamy
for R1

Mr.K.Mohamed Hyder Ali
for Mr.D.Ravichander for R9

R1 to R3 and R6 to R8 – Served,
No appearance

Not ready in notice regarding R4, R5 and R8

ORDER

The Civil Revision Petition has been filed praying to set aside the Fair and Decreetal Order dated March 25, 2022, made in I.A.No.4 of 2019 in O.S.No.105 of 2014 on the file of the 'Additional District Court, Fast Track Court, Villupuram' (hereinafter referred as 'The Trial Court').

2.The revision petitioner herein is the plaintiff and the first respondent herein is the defendant in the main suit in O.S.No.105 of 2014 before the Trial Court.

3.For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.



4.The plaintiff and the defendant's husband - Venkatesan entered into a Sale Agreement dated November 19, 2008. Thereafter, the said Venkatesan died on May 3, 2010 leaving behind the defendant and two minor children, namely, Naveen and Praveen, who are the respondents 2 and 3 herein, as his legal heirs. After the demise of Venkatesan, the plaintiff filed a suit for Specific Performance against the defendant. The defendant filed a Written Statement stating that the minors Naveen and Praveen are also necessary parties to the suit. Despite the pleadings, the plaintiff did not take steps to implead them as parties to the proceedings. After the completion of pleadings, trial commenced and now has been completed. Currently, the suit is posted for arguments.

5.At this stage, the plaintiff filed an Interlocutory Application under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, praying to implead the respondents 2 to 9 as necessary parties.

6.The Trial Court after hearing both sides concluded that the respondents 2 to 9 are not necessary parties and accordingly, dismissed the said petition. Feeling aggrieved by the dismissal order, the petitioner/plaintiff has preferred this Civil Revision Petition.

7.Mr.S.C.Vishwanth, learned counsel appearing for the revision petitioner



submits that in the course of cross examination, DW1 deposed that, after execution of the Sale Agreement, the said Venkatesan and their family members executed a registered Partition Deed and thereby, allotted the suit property in favour of Indhrani, who is the mother of the deceased - Venkatesan and the mother-in-law of the defendant, who in turn sold the properties to some third parties, namely, respondents 4 to 9/proposed defendants. Further, he submits that the said Indhrani also died leaving behind her legal heirs.

8.The learned counsel appearing for the revision petitioner further submits that the respondents 2 to 9 are necessary parties to the suit for effective adjudication. The Trial Court failed to consider the said aspect and dismissed the Interlocutory Application. Accordingly, he prays to allow this Civil Revision Petition.

9.*Per contra*, Mr.K.Myilsamy, learned counsel appearing for the first respondent contends that in a suit for Specific Performance, the parties to the Agreement alone are the necessary parties. Here, since one of the parties, namely, Venkatesan died leaving behind his wife, who is the 1st respondent herein and his two minor children, namely, Naveen and Praveen, who are respondents 2 and 3 herein, they are alone the necessary parties to the Suit. The



first respondent filed the Written Statement stating that the minors Naveen and Praveen are also necessary parties in this Suit. Despite the pleadings, the plaintiff did not take steps to implead them as parties till the completion of trial. But, in order to protect the proceedings, the plaintiff has sought to implead the minor children of the deceased and some third parties, when the Suit is posted for arguments. Hence, it is not necessary to implead the respondents 2 to 9 as parties to the suit. The Trial Court after considering the entire facts and circumstances of the case has rightly dismissed the Interlocutory Application and there is no need for an interference. Accordingly, he prays for dismissal of this revision.

10.Mr.K.Mohamed Hyder Ali, representing Mr.D.Ravichander, learned counsel on record for the 9th respondent submits that the 9th respondent is a bonafide purchaser with value and without notice of the pendency of the Suit. Hence, he is a necessary party to the suit.

11.This Court has considered both side submissions and perused the materials available on record.

12.It is settled law that in a Suit for Specific Performance, the parties to



the agreement alone, are necessary parties. In this case, Venkatesan, who is a party to the Sale Agreement, died leaving behind his wife and two sons as his legal heirs. Hence, they are alone are necessary parties. The first defendant filed a Written Statement *inter alia* stating that the sons of the deceased - Venkatesan, namely, Naveen and Praveen, are also necessary parties to the Suit. Despite the pleadings, the plaintiff did not take steps to implead them as parties till the completion of oral evidence. Now, the case is posted for arguments and at this stage, he has filed the Interlocutory Application seeking to implead the minor sons and some third parties. It is stated that now the minors have attained majority.

13.Considering the entire facts and circumstances of the case and in the interest of justice and further to avoid multiplicity of proceedings, this Court is inclined to allow this Civil Revision Petition in part. Accordingly, this Civil Revision Petition is partly allowed. The respondents 2 and 3, who are the sons of the deceased Venkatesan, shall be added as defendants 2 and 3 in the main Suit. The Trial Court is directed to implead the respondents 2 and 3 as defendants 2 and 3 in the Original Suit and provide sufficient opportunities to them to file their Written Statement as per Law. Both the parties are directed to co-operate with the Trial Court for the speedy disposal of the case.



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Consequently, connected Civil Miscellaneous Petition is closed. Considering the facts and circumstances of the case, there shall be no order as to costs.

25.10.2025

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps

To

1.The Additional District Judge,
Fast Track Court,
Villupuram.

2.The Section Officer,
VR Section,
Madras High Court.



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R. SAKTHIVEL, J.

mps

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