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CRP No. 2963 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2963 of 2022
and CMP.No. 16007 of 2022**

R.Murali
S/o.Mr. Ramu, No.19, 2nd Cross,
Sangardass Swamigal Nagar,
Muthialpet, Puducherry-605 003.

Petitioner(s)

Vs

1.Najimunissa
2.Rasheetha
3.Bir Mohamed Tarvesh

Respondent(s)

PRAYER: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the fair and decretal order passed in I.A.No.165 of 2021 in O.S.No.149 of 2021 by the learned II Additonal District Judge, Chidambaram.

For Petitioner(s): Mr.V.S. Senthilkumar

For Respondent(s): Mr.R.Rajavelavan
For Rr6 And 7
Mr.R.Srinivas, Senior Counsel
for M/s.V.Mythili, for R1-3 & 5



ORDER

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The petitioner has filed this Civil Revision Petition to set aside the fair and decretal order passed in I.A. No. 165 of 2021 in O.S. No. 149 of 2021 by the learned II Additional District Judge, Chidambaram.

2. Heard Mr. V.S. Senthilkumar, learned counsel for the petitioner, Mr. R. Rajavelavan, learned counsel appearing for respondents 6 and 7, and Mr. R. Srinivas, learned Senior Counsel for M/s. V. Mythili, learned counsel for respondents 1 to 3 and 5. Perused the materials available on record.

3. The petitioners are third parties to the suit O.S. No. 149 of 2021, pending on the file of the II Additional District Court, Chidambaram. They filed an application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, seeking to implead themselves as defendants 6 and 7 in the said suit.



4. The reason assigned by the petitioners is that they have already filed a separate suit, O.S. No. 178 of 2017, on the file of the Subordinate Court, Chidambaram, seeking a declaration of their title and consequential reliefs in respect of the very same property that is the subject matter of O.S. No. 149 of 2021. They contend that if their rights and title are ultimately declared in their favour, non-impleadment in the current proceedings would lead to multiplicity of litigation and inconsistent findings. Therefore, they sought to be impleaded as necessary parties.

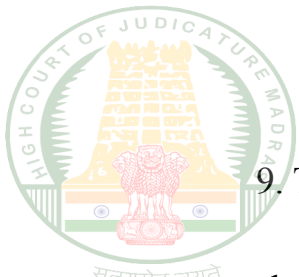
5. The said application was contested by the plaintiff in the suit, namely Murali, who stated that he filed the suit based on a sale agreement dated 31.10.2020 against five defendants (D1 to D5), seeking specific performance. He contended that the petitioners' earlier suit (O.S. No. 178 of 2017) had already been rejected by the trial court, and hence, they are not necessary or proper parties in the present proceedings. Accordingly, he prayed for dismissal of the application.



6. The defendants in O.S. No. 149 of 2021 also filed objections, stating that there is no cause of action against the petitioners and sought dismissal of the application.

7. Upon hearing both sides, the learned trial Judge observed that although the petitioners' earlier suit in O.S. No. 178 of 2017 had initially been dismissed based on an application filed by the defendants therein, the order of dismissal was challenged in A.S. No. 22 of 2021 and was allowed. As a result, the suit was restored to file.

8. The trial Judge further held that, under the given circumstances, if the petitioners, who claim title to the suit property are not impleaded, it would lead to multiplicity of proceedings. Therefore, the court found them to be necessary parties and allowed the impleadment application. Challenging this finding, the plaintiff has filed the present Civil Revision Petition.



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9. The learned counsel for the petitioner/plaintiff argued that the proposed respondents 6 and 7 have no right or title over the suit property. He submitted that the suit for specific performance was filed based on a sale agreement entered into with defendants 1 to 5, and the proposed parties are strangers to the said agreement. Hence, they are unnecessary parties, and their impleadment would unnecessarily complicate the proceedings. He contended that the learned trial Judge had erroneously allowed the impleadment application, which is liable to be set aside.

10. By way of reply, the learned counsel appearing for respondents 1 to 5 also opposed the impleadment. They submitted that they are the real owners of the suit property and that the petitioners (respondents 6 and 7) have no right, title, or interest in the same. They emphasized that the petitioners' earlier suit in O.S. No. 178 of 2017 was dismissed by the trial court, and although the appeal was allowed and the suit restored, a Second Appeal (S.A. No. 912 of 2023) is now pending. Hence, mere pendency of the earlier suit does not entitle the petitioners to be impleaded in the present suit.

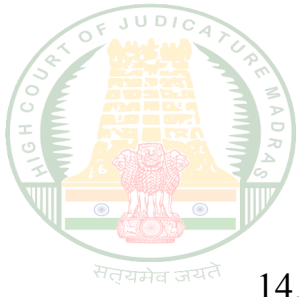


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11. In response, the learned counsel for respondents 6 and 7 / proposed parties submitted that they are the actual owners of the suit property, and the sale agreement between the plaintiff and defendants 1 to 5 was executed behind their back. They contended that their presence in the suit is essential for proper adjudication and to avoid conflicting judgments. The trial court, therefore, rightly allowed their impleadment, and the present revision petition is devoid of merit and liable to be dismissed.

12. Upon consideration of all the submissions and materials on record, it is evident that respondents 6 and 7 claim to be the real owners of the suit property and had already filed a suit for declaration in O.S. No. 178 of 2017 against defendants 1 to 5. Although the suit was initially dismissed, it was later restored by the appellate court.

13. The present suit for specific performance (O.S. No. 149 of 2021) was filed in the year 2021, while the petitioners had already filed their suit for declaration as early as 2017, with respect to the very same property.



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14. Therefore, in the interest of justice, and to avoid multiplicity of proceedings and inconsistent judgments, the learned trial Judge rightly allowed the impleadment of respondents 6 and 7 as necessary parties in the suit. This Court finds no reason to interfere with the said findings.

15. Accordingly, the Civil Revision Petition is dismissed as devoid of merit. The order of the learned trial Judge in I.A. No. 165 of 2021 in O.S. No. 149 of 2021 is confirmed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

07.07.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The II Additonal District Judge,
Chidambaram.



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T.V.THAMILSELVI, J.

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