



A. No. 4377 of 2025
and C.S. No. 76 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 4377 of 2025
in C.S. No. 76 of 2009
and C.S. No. 76 of 2009
A. Nos. 3718 & 4376 of 2025
and A. No. 5572 of 2024
and O.A. No. 923 of 2017
and O.A. No. 278 of 2021

State Bank of India
SAM Branch-II, Hyderabad
D.No.3-4-1013/A, 1st Floor
Commuter Amenity Center (CAC)
TSRTC Bus Station
Kachiguda, Hyderabad-500027.

...Applicant

Vs.

1.Beena Kosaraju
2.Sarath Kakumanu
3.K.S.Gita
4.Sujini Kakumanu
5.K.Ashwin Kakumanu

6.Canbank Factors Limited
Represented by its Assistant Vice President
Casa Blanca, No.11/19, Casa Major Road
Egmore, Chennai-600088.

... Respondents



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Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of Code of Civil Procedure, praying to permit the applicant to be impleaded as 6th defendant in the main Civil Suit.

For applicant : Pranava Charan MG

This application has been filed by a third party /State Bank of India, who is said to have advanced a loan amount to a company run by the parties father by offering the suit property as security, to permit the applicant to be impleaded as 6th defendant in C.S. No. 76 of 2009. So the applicant claims that as their interest is also involved in the suit property, he should be impleaded as one of the parties to the final decree proceedings.

2. It is the fundamental law that the entitlement of security cannot be considered as entitlement of the property. The parties to the suit have filed a suit for partition in the year 2009 and a preliminary decree has also been passed on 23.12.2016 and now that the final decree proceedings is pending before this Court.



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WEB COPY 3. The learned counsel for the applicant submitted that in view of the recovery proceedings initiated by the SBI, Recovery Certificate has been obtained in the year 2017 and proceedings are pending before the Debt Recovery Tribunal.

4. However, the suit for partition has been filed in the year 2009 even before initiation of the DRT proceedings. If the applicant has got any interest in the suit property, his remedy only lies elsewhere by having the property as security for the loan advanced by him or any decree of the Court obtained subsequent to the default in repayment of the loan.

5. Had he been a subsequent purchaser from any of the parties, it is understandable that he has placed his legs in the shoes of a party, who had sold his share during the final decree proceedings also.

6. Knowing pretty well that the applicant is a creditor and its interest is only having security over the suit property, he cannot claim himself to be impleaded as a party in the final decree proceedings.



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7. Any party to a final decree proceedings would have some financial commitments elsewhere by offering their undivided share or portion of the property exceeding their share or even the property in entirety. But that cannot be the reason to implead all the creditors in a suit for partition especially, during final decree proceedings as though it is an insolvency proceeding.

8. As the very application filed by the applicant itself is not maintainable, Application No. 4377 of 2025 stands dismissed. No costs.

9. List C.S. No. 76 of 2009, A. Nos. 3718, 4376 of 2025, A. No. 5572 of 2024 & O.A. No. 923 of 2017 & O.A. No. 278 of 2021 after two weeks.

16.09.2025

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Dr.R.N.MANJULA, J.

Maya

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