



A. No.3729 of 2025 in C.S. No.751 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A. No.3729 of 2025 in C.S. No.751 of 2010

K.T.R.Raja Karuppan Chettiar

... Applicant

Vs.

R.M.Mohan and another

... Respondents

ORDER

Learned counsel for the applicant/plaintiff is present today. He submits that on the last hearing date, he could not make his submissions.

2.This application has been filed by the applicant/plaintiff to implead the second respondent as the second defendant in the suit.

3.Learned counsel for the applicant/plaintiff submits that the suit was filed for specific performance and the defendant had received the sale consideration in respect of the suit property and he is in possession, but



A. No.3729 of 2025 in C.S. No.751 of 2010

without executing the sale deed. Learned counsel for the applicant/plaintiff sought the relief of directing the defendant to execute the sale deed.

4.In fact, the suit has been decreed exparte in the year 2013, but for the reasons best known to the plaintiff, it has not been executed. In the meanwhile, the second respondent has initiated certain proceedings against the defendant in respect of one M/s.Senthil Financial Services. In pursuant to the proceedings initiated in this regard in O.A. No5 of 2018 on the file of TNPID Court, the suit property was also attached by the competent authority, who is the second respondent herein vide G.O. Ms. No. 499, Home (XIX) Department 12.07.2013. In fact, the exparte decree in favour of the plaintiff has been passed only after the attachment dated 12.07.2013 because the date of the exparte decree is 13.08.2013. In fact, in the proceedings before the TNPID Court, this applicant has also been impleaded as a party in view of his alleged interest in the suit property. However, he did not choose to make his appearance and remained exparte.



A. No.3729 of 2025 in C.S. No.751 of 2010

5.It appears that the attachment over the suit property has become absolute in the year 2024 and thereafter, the property is in the custody of the competent authority. The proposed second respondent/second defendant is not a party to the sale agreement, if any between the plaintiff and the defendant. By impleading the second respondent as the second defendant, the plaintiff cannot achieve anything with regard to the attachment done under the TNPID Act.

6.In view of the bar under Sections 3 and 4 of the TNPID Act, the attachment done by TNPID Court under the TNPID Act has the overriding effect. Even the Civil Court entertaining suit for specific performance, would also lack jurisdiction because the Special Court in Chennai alone has got jurisdiction and authority over the property attached under TNPID Act.

7.The applicant has to work out his remedy only before the TNPID Court, if at all he feels that his interest is affected and that he should take proceedings to set aside the exparte order against him.



WEB COPY



A. No.3729 of 2025 in C.S. No.751 of 2010

Dr.R.N.MANJULA ,J.

vga

8.Insofar as this suit is concerned, in view of the reasons stated above, the second respondent/proposed defendant is not a necessary party. In view of the pending attachment over the suit property, the cause of action of the suit itself has almost become infructuous. Hence, this application is dismissed.

16.10.2025

vga

A. No.3729 of 2025 in C.S. No.751 of 2010