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CRP. Nos.3911, 3938 and 4211 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:12.08.2025

Pronounced on: 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. Nos.3911, 3938 and 4211 of 2024
and CMP. Nos.21408, 21518 & 23339 of 2024**

CRP. No.3911 of 2024

Ramakrishnan (Died)

1.R.Meenakshi

2.A.Divya

Petitioners

Vs

Karpagavalli

Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 03.07.2024 passed in I.A.No.6 of 2023 in O.S. No.255 of 2006 by the District Munsif Court, Chengalpet.

CRP. No.3938 of 2024

1.R.Meenakshi

2.A.Divya

Petitioners

Vs

1.Loganathan

2.R.Rajasundari

3.M.Jamuna

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the



Constitution of India, to set aside the order dated 03.07.2024 passed in I.A. No.6 of 2024 in O.S. No.80 of 2006 by the District Munsif Court, Chengalpet.

CRP. No.4211 of 2024

1.R.Meenakshi
2.A.Divya

Petitioners

Vs

1.B.K.Malhotra
2.Anwar Ali
3.Hu. Yukwan
4.Dr.AlbertShieh
5.R.Rajasundari
6.M.Jamuna
7.V.Vijayakumar
8.Karpagavalli
9.G.Raja
10.Sudamani
11.M.Krishnamoorthy
12.K.S.Krishnan
13.Gayathri
14.Chandran
15.R.Manickavalli
16.Theivanai
17.S.Dayalan
18.Aristotle
19.Rajakumari
K.Loganathan (Died)
20.Thirunavukarasu
21.Devaraj
22.Thulasiammal
23.Porkodi
24.Minor Deepa
25.Minor Devoprasad
(Minor respondents 24 and 25 represented by



mother Porkodi/23rd respondent).

Respondents

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PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 03.07.2024 passed in I.A. No.3 of 2023 in O.S. No.80 of 2006 by the District Munsif Court, Chengalpet.

For Petitioners : Mr.C.Rajan and
Mr.V.K.Sathiyamurthy
in the above CRPs.
For Respondents : **CRP. Nos.3911 & 3938 of 2024**
No Appearance

CRP. No.4211 of 2024

Mrs.C.A. Sharmila,
for R1 and R4

No Appearance- R2, R3, R4,
R15, R19 and R20
Not Ready R5 to 14, 16, 17, 18,
20 to 22

COMMON ORDER

CRP. No.3911 of 2024 is filed to set aside the order dated 03.07.2024 passed in I.A.No.6 of 2023 in O.S. No.255 of 2006; CRP. No.3938 of 2024, is filed to set aside the order dated 03.07.2024 passed in I.A. No.6 of 2024 in O.S. No.80 of 2006 and CRP. No.4211 of 2024 is



filed to set aside the order dated 03.07.2024 passed in I.A. No.3 of 2023 in O.S. No.80 of 2006 by the District Munsif Court, Chengalpet, by the District Munsif Court, Chengalpet.

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2. I have heard Mr.V.K.Sathiyamurthy, learned counsel for the revision petitioners in all these revisions. There is no appearance on the side of the respondents in CRP. Nos.3911 and 3938 of 2024. In CRP. No.4211 of 2024, Mrs.C.A.Sharmila, learned counsel appearing for the respondents 1 and 4.

3. CRP. No.3911 of 2024 has been filed by the defendants in O.S. No.255 of 2006, aggrieved by the order in I.A. No.6 of 2023, dated 03.07.2024, in and whereby, the Trial Court has dismissed the Application filed by the defendants 2 and 3 seeking dismissal of the suit, came to be dismissed. The said Application has filed under Section 151 CPC contending that the suit has been filed for permanent injunction and the plaintiff had purchased the property from one Gopalakrishnan, on 14.11.2022 and on the date of sale deed, the plaintiff was also put in possession. The plaintiff had given a power of attorney, to one Sumathi on 03.01.2018 under registered document No.74 of 2018 and the said



power of attorney agent, Sumathi has sold the property to one Nagarajan on 16.10.2020 for valid sale consideration and the purchaser, Nagarajan was put in possession of the property, besides also having valid title conveyed in his favour. It is therefore contended that the plaintiff has no cause of action to proceed with the suit.

4. The Trial Court finding that the plaintiff had sought only for permanent injunction against one Ramakrishnan, who died pending the suit and his legal heirs were impleaded as defendants 2 and 3 and that trial in the suit has also commenced and the plaintiff's witness would have to be cross examined by the revision petitioners as well, the Trial Court did not find any merit in the Application and proceeded to dismiss the application.

5. The same averments on which I.A. No.6 of 2023 were taken out are nor put across by Mr.V.K.Sathiyamurthy, learned counsel for the revision petitioners. However, I am unable to countenance the said submissions seeking dismissal of the suit. Firstly, the Application has been filed under Section 151 of CPC, when particular remedy is available for rejection of the plaint under Order VII Rule 11 CPC. In order to make



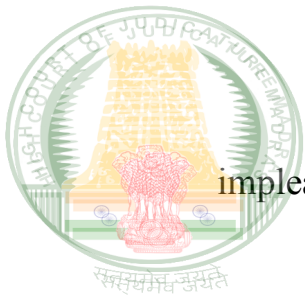
out a case for rejection of plaint under Order VII Rule 11 CPC, the defendants who seek rejection of the plaint would have to establish as to how the plaint is liable to be rejected under any of the limbs of Order VII Rule 11 CPC. However no such averments are found in the affidavit, the prayer is also not seeking rejection of the plaint, but only for dismissal of the suit. Rightly, the Trial Court has found that the issues cannot be decided in a summary fashion and the parties would have to undergo Trial and only thereafter, the Trial Court can decide the entitlement of the plaintiff to the relief of permanent injunction. Thus, I do not find any merits in the revision in CRP. No.3911 of 2024 and accordingly, the same is liable to be dismissed.

6. In CRP. No.3938 of 2024, the revision petitioners are the plaintiffs in O.S. No.80 of 2006. An Interlocutory Application in I.A. No.6 of 2024 was filed in the said suit by one, Loganatha, seeking to implead himself under Order I Rule 10(2) of CPC. The said Application came to be allowed by the Trial Court as against which, the present revision has been filed.

7. Mr.V.K.Sathiyamurthy, learned counsel for the petitioners would



contend that the said Loganathan was neither a proper nor necessary party to the suit and his presence is not required to adjudicate the issues that arise for consideration in O.S. No.80 of 2006. The suit has been filed by the revision petitioners for declaration and injunction. It is the case of the plaintiffs that they have purchased the property for valuable sale consideration and patta was also issued in their favour and that the plaintiffs have been in absolute possession and enjoyment of the said property ever since from their purchase. The plaintiffs have filed the suit for declaration of their title, based on power of attorney executed by one S.Rajeswari, in favour of the first plaintiff's husband, Ramakrishnan on 12.08.2005 and from the said power of attorney, the plaintiffs under registered sale deed dated 27.09.2010, have purchased the property. Subsequent to the sale deeds being executed in the name of the plaintiffs, S.Rajeswari has proceeded to cancel the powers on 25.04.2012 and even Rajeswari's vendor S.Natesa Naicker, from whom she has purchased the property, ignoring the sale to S.Rajeswari, by a registered sale deed dated 05.09.1983 has chosen to execute a Will under which, his son Ramakrishnan was the beneficiary. In turn, the said Ramakrishnan has settled the property in favour of one Loganathan, under settlement deeds dated 22.01.2019. Based on the same, the said Loganathan has sought to



implead himself in the suit.

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8. The said Loganathan has claimed independent and adverse title to that of the plaintiffs in O.S. No.80 of 2006. The test for deciding an Application under Order I Rule 10 of CPC is to only see whether the presence of the proposed party is proper and necessary for deciding the issues that arise for consideration in the suit pending before the Trial Court. However, by setting up adverse title and claims, the said Loganathan is attempting to enlarge the scope of the present suit. It is always open to the said Loganathan to canvass his rights independently, if any. However, he cannot seek his impleadment and compel the plaintiffs in O.S. No.80 of 2006 to litigate against him, against the wishes of the plaintiffs. As *dominus litus*, the plaintiffs are at liberty to choose the parties as against whom to litigate and get relief. Therefore, the Trial Court ought not to have allowed the impleading Application, merely because there has been lot of encumbrances pertaining to the very same property.

9. CRP. No.4211 of 2024 has been filed by the plaintiffs, challenging the order in I.A. No.3 of 2023 in O.S.No.80 of 2006, in and



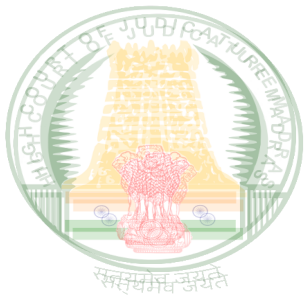
whereby, the Trial Court ordered impleadment of one B.K.Malhotra, Anwar Ali, Hu.Yukwan and Dr.Albert Shieh.

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10. In the CRP. No.4211 of 2024, it is the case of the proposed parties that are have third party purchasers of portions of the suit property from one K.S. Krishnan, 8th defendant and that they are in possession of the same. The proposed parties in O.S. No.80 of 2006 are the purchasers of various plots in a layout styled as an “Usha Nagar Extension”.

11.The learned counsel for the respondents 1 and 4 in CRP. No.4211 of 2024, Mrs.C.A.Sharmila, would contend that the proposed parties are bonafide purchasers for value and they have invested their hard-earned savings and the plots that had been purchased by them is the subject matter of the suit property in O.S. No.80 of 2006 and hence, they should be given an opportunity to participate in the proceedings.

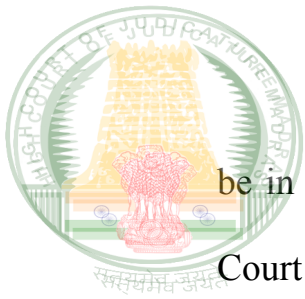
12. In support of her contention, the learned counsel has also placed reliance on the decision of the Hon'ble Supreme Court in *M/s.J.N.Real Estate Vs. Shailendra Pradhan and others*, reported in 2025 INSC 611.



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13. In the present case, even in the affidavit filed in support of the impleading application, the purchasers have stated in no uncertain terms that the 8th defendant has fraudulently sold the property to them, without informing them about the litigation. Even in the decision that has been relied on by the learned counsel for the respondents 1 and 4, the Hon'ble Supreme Court held that though a party who seeks impleadment may not be a necessary party, still he can be termed as a property party. The Hon'ble Supreme Court also held that a necessary party, the person in whose absence is not effective decree can be passed at all by the Court, whereas, a proper party is one, who though not a necessary party is a person, whose presence to the enable the Court to effectively and adequately adjudicate upon all matters in disputes in the suit.

14. In fact, the Hon'ble Supreme Court further found that the presence of the proposed party was required for proper and effective adjudication in the suit and also took note of the fact the impleadment was not opposed by the original plaintiff. In the facts of the present case, when the purchasers themselves have sought impleadment clearly setting out that they have been cheated by the 8th defendant, there remedy cannot



be in the present suit, however their presence is not going to enable the Court to adjudicate upon the disputes that arise in the suit. Therefore, if at all the purchasers have any grievance, they can only workout their rights independently against the 8th defendant, who according to them, has fraudulently sold the properties to them. In view of the above, I do not find the decision of the Hon'ble Supreme Court coming to the aid of the respondents 1 to 4.

15. The purchasers are neither proper nor necessary parties to adjudicate the issues that arise for consideration in the suit filed by the revision petitioners. In view of the above, I am unable to sustain the order of the Trial Court. Accordingly, the orders passed in I.A. No.6 of 2024 and I.A. No.3 of 2023 are liable to be set aside.

16. In fine, CRP. Nos.3911 of 2024 is dismissed. CRP. No.3938 of 2024 and CRP. No.4211 of 2024 are allowed and the orders passed in I.A. No.6 of 2024 and I.A. No. 3 of 2023 in O.S. No.80 of 2006 dated 03.07.2024, are hereby set aside. The learned counsel for the revision petitioner seeks for earlier disposal of the suit which is pending from 2006 onwards. The Trial Court shall endeavour to conclude the Trial and



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dispose of the suit on merits and in accordance with law, on or before

30.04.2026. Consequently, connected Miscellaneous Petitions are also

closed. No costs.

12.09.2025

rkp

Index : Yes / No

Internet : Yes / No

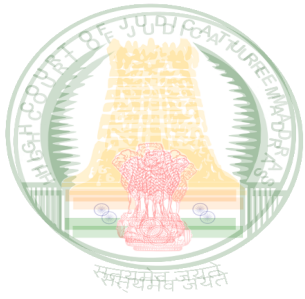
To:

The District Munsif, Chengalpet.

P.B.BALAJI, J.,

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Pre-delivery order in
CRP. Nos.3911, 3938 and 4211 of 2024
and CMP. Nos.21408, 21518 & 23339 of 2024



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12.09.2025