



CRP.No.3914 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CRP.No.3914 of 2023
CMP.No.24121 of 2023

R.Palaniappan

... Petitioner / 1st Respondent /
Plaintiff

vs.

1.P.Saravanan

2.Anjali Mery

3.Govindan

.... Respondents 1 to 3 / Proposed
parties

4.R.Arokiasamy

5.Muniappan

6.S.Sundararajan

7.The Special Officer,
Katheri Panchayat,
Katheri Village, Sankari Taluk,
Salem District.

..... Respondents 6 to 7 / Defendants 1 to 4

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.09.2023 made in I.A.No.3 of 2022 in O.S.No.294 of 2012 on the file of the learned District Munsif Court, Sankari.



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For Petitioner : Mr.D.Akash
for Mr.N.Manoharan

For Respondents : Ms.C.Meena for
Mr.M.Guruprasad for R1 to R3

Mr.D.Gopal
Government Advocate for R7

ORDER

Unsuccessful plaintiff has preferred this Civil Revision Petition. The Suit has been filed by one R.Palaniappan, seeking the relief of Declaration to declare that the suit properties absolutely belonged to the plaintiff as per the Partition Deed dated 21.08.2022 and for Permanent Injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit properties. The Suit has been filed as against R.Arokiasamy / 1st defendant, R.Muniappan / 2nd defendant and S.Soundararajan / 3rd defendant and the Special Officer, Katheri Panchayat, Salem District / 4th defendant. The defendants have filed their written statement in the Suit and when the Suit is pending trial, 3rd parties have filed an application under Order I, Rule 10 CPC to implead them as defendants 5 to 7 in the aforesaid Suit in I.A.No.3 of 2022 in O.S.No.294 of 2012. After hearing both sides, the Court below has allowed the said application, vide order dated 13.09.2023 on the ground that the proposed parties presence is



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necessary in order to enable the Court below to effectively and completely adjudicate upon all the issues involved in the Suit. Aggrieved over the same, the plaintiff has filed the instant Civil Revision Petition.

2. The learned counsel appearing for the revision petitioner / plaintiff would submit that *pendente lite* purchasers are not bonafide purchasers and they are deemed to be aware of the litigation pending and hence, the proposed parties have had constructive notice of the litigation and as such, they are not entitled to implead themselves. The alleged purchase was of the year 2012-2013, whereas the impleading petition has been filed after 10 years i.e., in the year 2022 and absolutely, there is no explanation or reasons assigned for the inordinate delay in filing the impleading petition. The learned counsel would further submit that 3rd party purchasers cannot implead themselves as parties to the Suit under Order I Rule 2 CPC. Impleading petition filed at the instance of 3rd parties to the Suit cannot be maintained and Order I, Rule 2 CPC can be invoked only by the parties to the Suit and not by 3rd parties. In the absence of any pleadings and cause of action in the plaint, there is no need or necessity to implead, widening the scope of adjudication in the Suit.



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3. *Per contra*, learned counsel appearing for the respondents 1 to 3 / proposed parties would submit that the 1st and 2nd proposed parties have purchased plot No.5 in S.No.198/2G for valid and valuable consideration from the 1st defendant vide Doc.No.8480/2012 on the file of the Sub-Registrar, Komarapalayam. 1st proposed party and his wife constructed a house in the said property. The 1st defendant executed a General Power of Attorney in favour of the 2nd defendant under the capacity as Power Agent. The 2nd defendant executed a Sale Deed in favour of the proposed parties / petitioners. The defendants 1 and 2 purchased a vast extent of land, converted them into house sites in the name and style of Bharathi Nagar and sold the same to various persons including the proposed petitioners. The proposed petitioners came to understand that the plaintiff, after executing the Gift Settlement Deed in respect of the 2nd Item of Suit Property, which is a Panchayat Road with a width of 20 feet in favour of the 5th defendant, Katheri Panchayat on 23.12.2012 and now, claiming right over the same. The 2nd item of the Suit Property is used as Panchayat Road all along from the date of execution of the Gift Deed. The proposed petitioners have to be impleaded as parties to the Suit for complete and final adjudication of the dispute



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involved in the Suit and prays for dismissal of this Civil Revision Petition. The learned counsel appearing for the respondents, in support of his contentions, has placed reliance on the decision of the Hon'ble Supreme Court in ***Yogesh Goyanka v. Govind and Others [(2024) 7 SCC 524]*** to emphasis upon the proposition that there is no bar to the impleadment of transferees pendente lite with notice.

4. Heard the submissions of the learned counsel on either side and perused the entire materials available on record.

5. It is seen from the records that the Suit in O.S.No.294 of 2012 has been filed for the relief of Declaration and for Permanent Injunction. The description of the suit properties as stated in the plaint reveals that there are two items of suit properties. 1st item of suit property situated in Katheri Village at S.No.206/8A, Plot No.908 to an total extent of 1040.62 Sq.Ft. 2nd item of suit property situated in Katheri Village, lands comprised in S.Nos.198/2H and 206/8A to an extent of 4 feet width and 252 ½ feet length, which has been described as “ABCDEFGH” in the plan situated in the southern side of Plot Nos.75 to 100.



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6. According to the proposed parties / petitioners, they are the purchasers of the suit properties in S.No.198/2G from the defendants 1 and 2. After execution of the Gift Settlement Deed dated 23.12.2002 by the plaintiff in respect of the 2nd item of the suit property, which is the Panchayat Road, now the plaintiff is claiming right over the same. As per the Gift Settlement Deed, the plaintiff has no right / interest in the 2nd item of suit property. The defendants 2 to 4 were also diligently defending the suit proceedings.

7. Order I, Rule 10 CPC enables the Court to add any person as party at any stage of the proceedings, whose presence before the Court is necessary in order to enable the Court to effectively and completely adjudicate and settle the questions involved in the Suit. The Hon'ble Apex Court in the decision in ***Amit Kumar Shaw and another v. Faridakhatoon and another [(2015) 11 SCC 403]*** has held that “*a transferee pendente lite of an interest in immovable property is a representative-in-interest of the party from whom he has acquired that interest. He is entitled to be impleaded in the Suits and is entitled to be heard in the matter on the merits of the case. He may be brought on record either under Order 22 Rule 10 or under Order 1 Rule 10 CPC*”.



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8. The Court below finds that the proposed parties / petitioners are necessary in order to adjudicate the issues involved between the parties and also to avoid multiplicity of proceedings. The question as to whether the proposed parties are proper and necessary parties to the proceedings would depend upon the nature of relief claimed in the Suit as well as the right or interest projected by the parties. The Court below finds that for proper and effective adjudication of issues involved in the suit proceedings, the impleadment of proposed parties are very much necessary and allowed the application. This Court finds no reason to interfere with the reasoning given by the Court below in the order impugned. There is no merits in this Civil Revision Petition and the same is liable to be dismissed.

9. In the result, this Civil Revision Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is dismissed.

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Intex : Yes/No
Internet : Yes/No
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To
District Munsif Court,
Sankari

M.JOTHIRAMAN, J.

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