



CRP.No.35 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.35 of 2024 and

CMP.No.133 of 2024

D.Umarani

... Petitioner

Vs.

1.A.Muthusamy
2.V.Santhi
3.R.Selvi
4.V.Sivakumar
5.P.Leelakrishnan
6.D.Vijayalakshmi
7.K.Ramaswamy
8.Kalapandian
9.A.Manickam
10.M.Sundaram
11.R.Vijayasekaran

...Respondents

PRAYER: Civil Revision Petition filed Article 227 of Constitution of India, praying to set aside the impugned order dated 12.09.2023 passed in I.A.No.3 of 2023 in O.S.No.849 of 2010 on the file of the 1st Additional Subordinate Judge, Coimbatore and consequently direct to implead the proposed defendant in the above suit.

For Petitioner

: Mr.N.Nithianandam

For Respondents

: Mr.A.Ramkumar
for R2 and R3



CRP.No.35 of 2021.

Mr.A.Muthukumar for R11
No appearance for R9
R6, R7 and R8 addressee
cannot be located
R10 No such person

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner/plaintiff seeking impleadment of 11th respondent herein.

2. The petitioner herein filed a suit for specific performance against the respondents 1 to 3. Pending suit, the property, which is the subject matter of agreement was sold by the defendants in favour of respondents 4 to 10. Therefore, they were impleaded as party defendants in the suit as per the order passed in I.A.No.1075 of 2018.

3. Subsequently, the impleaded defendants 4 to 10 sold the property to 11th respondent on 23.06.2023 pending the suit. Therefore, the instant application has been filed seeking impleadment of the 11th respondent who is the pendente lite purchaser. The said application was dismissed by the trial Court on the ground that in a suit for specific performance any decree



passed against the defendants will bind the subsequent purchaser pending suit.

Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner relied on the judgment of the Apex Court in *J.N.Real Estate Vs. Shailendra Pradhan and others* reported in **2025 SCC Online SC 1015** and submitted that the pendente lite purchaser is a proper party to the suit for specific performance and hence the trial Court ought not have dismissed the application for impleadment.

5. The facts narrated above would indicate that the petitioners/defendants 1 to 3 entered into a sale agreement and the suit for specific performance was originally filed against the respondents 1 to 3. Subsequently, the respondents 4 to 10 purchased the property pending suit and therefore, they were impleaded as party defendants.

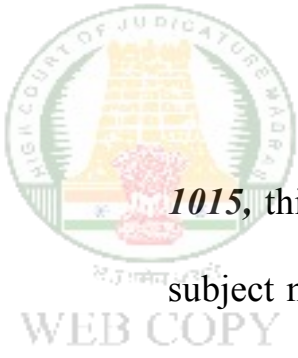
6. It is the case of the petitioner, later the impleaded respondents sold the property to the 11th respondent on 23.06.2023 under document No.6583 of 2023. Therefore, the 11th respondent is only a purchaser from some of the defendants pending litigation and any decree passed in the suit

will certainly bind the 11th respondent, whether he is impleaded or not. If any decree is passed in the suit without impleading the present owner of the property, it may cause difficulty at the time of execution. Therefore, the person, who purchased the property pending litigation, is a proper party though he may not be a necessary party. The said position has been clearly pointed out by the Apex Court in the above mentioned judgment, which read as follows:

“A party who is seeking impleadment may not be a necessary party but still, could be termed as a proper party. There is a fine distinction between a necessary party and a proper party. A necessary party is a person in whose absence no effective decree could be passed at all by the Court. Whereas a proper party is one who though not a necessary party is a person whose presence would enable the Court to effectively and adequately adjudicate upon all matters in dispute in the suit.”

In the case on hand, the presence of 11th respondent, who allegedly purchased a portion of agreement mentioned property will enable the Court to effectively adjudicate the *lis*.

7. Following the ratio laid down by the Apex Court in ***J.N.Real Estate Vs. Shailendra Pradhan and others*** reported in ***2025 SCC Online SC***



1015, this Court holds the 11th respondent, who is said to have purchased the subject matter of the suit pending litigation, is a proper party to the litigation and hence the impugned order is set aside and the revision stands allowed. The 11th respondent is permitted to file written statement raising all his defences within four weeks from the date of receipt of order.

8. Since the suit is of the year 2010, having regard to the year of the suit, this Court feels it would be appropriate to fix outer time limit for disposal of the main suit, after filing of the written statement of 11th respondent within a time fixed by this Court. The trial Court shall take up the suit and dispose of the same within a period of nine months from the date of filing of written statement by 11th respondent.

9. The Civil Revision Petition stands allowed. Consequently, the connected miscellaneous petition is closed. No costs.

27.10.2025

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.

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To
The 1st Additional Subordinate Judge,
Coimbatore.

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