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C.R.P.(PD)NO.4203 OF 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12/11/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.4203 OF 2019

U.Jinadoss

Residing at Old No.10, New No.21,
School Road, CIT Nagar,
Chennai – 600 035.

... Petitioner/Petitioner

Vs.

1.M.G.Mohammed Rafiq

2.M.G.Sofia Sulthana

3.G.Rahila Thabassum

1 to 3 are residing at Old No.6-B, New No.42,
Ponnammal Street,
Vadapalani,
Chennai – 600 026.

A.S.Mohamed Ghouse Bai (died)

4.D.Nagaraj

Plot No.4, Flat No.G-2,
Devaraj Nagar Main Road Dasnarathapuram,
Saligramam,
Chennai – 600 093.

... Respondents 1 to 4/
Respondents 1 to 5

5.P.Jansi

6.T.Antony John Peter

5th and 6th respondents are residing at
No.8/403, Maruthi Street,



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Pozhichalur,
Chennai – 600 074.

... Respondents 5 & 6/
Respondents 6 & 7

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Order passed in I.A.SR.No.3084 of 2019 in O.S.No.79 of 2013 dated March 19, 2019 on the file of the Sub Court, Tambaram and consequently direct the Sub Court, Tambaram to number the said I.A.SR.No.3084 of 2019 and decide the same on merits and in accordance with law.

For Petitioner : Mr.R.K.Rithani
for Mr.T.Sai Krishnan

For Respondents -
1, 3 to 6 : Mr.P.Sam Japa Singh
No appearance

For Respondent – 2 : vacated

ORDER

Feeling aggrieved by the rejection Order passed in unnumbered I.A.(SR)No.3084 of 2019 dated March 19, 2019 in O.S.No.79 of 2013 on the file of 'Sub Court, Tambaram' (hereinafter referred to as 'Trial Court'), the petitioner/plaintiff therein has filed this Civil Revision Petition.



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2.The Revision Petitioner herein is the plaintiff. The plaintiff filed a Suit for specific performance based on two agreements dated September 11, 2010. The plaintiff filed a petition under Order XXXIX Rules 1 & 2 of Code of Civil Procedure, 1908 and in I.A.No.224 of 2013 an interim injunction was granted on March 05, 2013 and thereafter, the interim Injunction Order was made absolute.

3.Learned Counsel appearing for the Revision Petitioner submits that the Respondents 5 & 6 herein are *pendente lite* purchasers and they are not *bonafide* purchasers. They were impleaded as parties/Defendants 6 and 7 in the main Suit. Learned counsel further submits that despite the Injunction Order, the defendants 1, 2, 3 and 5 executed a Sale Deed dated October 19, 2018 in favour of the Respondents 5 and 6/Defendants 6 & 7 in the Suit. It is a collusive act with a view to defeat and defraud the plaintiff's right. Hence, the plaintiff filed an Interlocutory Application praying to set aside/cancel the document registered in Document Nos.7237 and 7326 of 2018 on the file of the Sub Registrar, Pammal.



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4.The learned Trial Judge rejected the said Interlocutory

Application in SR stage by stating that the petitioner cannot claim the relief through this present petition without amending the plaint incorporating the cancellation prayer.

5.The operative portion of the Order dated March 19, 2019

passed by the learned Trial Judge is reproduced hereunder:

“Now the petitioner come with this present petition. The petitioner cannot claim the reliefs through this present petition and he may file a petition to amend the suit prayers to incorporate the reliefs sought for in this present petition. Therefore this present petition is not maintainable and it should be rejected.”

6.This Court has perused the plaint and other documents annexed in the typed set of papers. The Suit is filed for specific performance of contract based on two agreements dated September 11, 2010.



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7. According to the plaintiff, the Respondents 5 & 6/

Defendants 6 & 7 in the Suit are the *pendente lite* purchasers. It is settled law that in a Suit for specific performance, the parties to the agreement alone are necessary parties. The *pendente lite* purchasers are not necessary parties to decide the Suit.

8. In case, if the Revision Petitioner feels that the defendants 1, 2, 3 and 5 executed a Sale Deed in favour of the Respondents 5 & 6/Defendants 6 & 7 only with a view to defeat and defraud the plaintiff's right and against the temporary injunction, the Revision Petitioner is at liberty to work out his remedy as per Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908. It is settled law that sale in favour of *pendente lite* purchaser is valid subject to the result of the Suit. Hence, *pendente lite* purchasers are not necessary parties to the *lis*. Their Sale need not be challenged. Further, *pendente lite* purchasers Sale Deed cannot be challenged in an Interlocutory Application.

9. This Court does not find any irregularity or illegality in the Order passed by the Trial Court. Hence, the Revision Petition does not have any merit and deserves to be dismissed.

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10.During the course of hearing, the Revision Petitioner side filed a memo dated November 12, 2025 stating that Original Suit in O.S.No.79 of 2013 has been transferred to Sub-Court, Alandur and re-numbered as O.S.No.1029 of 2021 on December 28, 2021. The Memo is recorded.

11.In the result, this Civil Revision Petition is dismissed. Considering the facts and circumstances of the case, there shall be no order as to costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
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To
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- 1.The Sub-Court,
Tambaram.
- 2.The Sub-Court,
Alandur.



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R. SAKTHIVEL, J.

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