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C.R.P.(PD) No.828 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD) No.828 of 2025

V.Nagappa

... Petitioner / Proposed Defendant

Vs.

1.Shanmuga Gounder

2.Mani

3.Kumarasamay

4.Dakshinamoorthy

5.Annamalai

6.The Sub Registrar

Cheyar

Thiruvannamalai District.

7.Ravanan

8.Rajagopal @ Velleriyan

... Respondents / Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order made in I.A.No.84 of 2018 in I.A.No.183 of 2005 in O.S.No.291 of 2000 on the file of Subordinate Judge, Cheyyar, as per law, and may allow the civil revision petition with suitable direction to the trial Court.



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For Petitioner : Mr.S.Gunasekar
For Respondents : Mr.N.Muthuvel
Government Advocate for R6

ORDER

The pendente lite purchaser who sought to implead himself in a final decree proceedings for partition is the revision petitioner before this Court.

2. The short facts are as follows :

- (a) The first respondent herein had filed a suit in O.S.No.291/2000 on the file of Sub Court, Cheyyar, for partition and separate possession of his half share in the suit property against Mani and certain others
- (b) A preliminary decree was passed on 18.01.2005, and the first respondent /plaintiff had filed I.A.No.183 of 2005 for passing a final decree and accordingly, a final decree was passed on 21.06.2010.
- (c) The petitioner herein is alleged to have purchased the property from the said Mani, the second defendant herein, by a registered sale deed dated 06.06.2008, for a valid sale



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consideration. The said sale had taken place when the final decree proceedings in the present suit was pending for consideration.

(d) According to revision petitioner, the subject property which he had purchased from Mani, is now allotted to the plaintiff herein in the final decree. He, therefore seeks to have himself impleaded in the final decree proceedings and filed I.A.No.84/2018 in I.A.No.183/2005 before the Sub Court, Cheyyar.

(e) The said application has been dismissed by the learned Sub Judge by order dated 23.08.2022. Challenging the same, the proposed party / revision petitioner is before this Court.

3. Heard the learned ounsel for the revision petitioner.

4. Admittedly, the revision petitioner had purchased the property during the pendency of the final decree proceedings. The revision petitioner knowing fully well that the property is the subject matter of litigation in O.S.No.291 of 2000, has purchased the property. The revision



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petitioner having purchased the property during the pendency of the proceedings, he cannot seek himself to be impleaded as a matter of right.

Further, he would be entitled only to the share that his vendor is entitled to, and his vendor has not chosen to challenge the decree in O.S.No.291 of 2000. It is also seen that the decree passed was a final decree and the same was made ready by the Court. Accordingly, the learned Sub Judge, Cheyyar, has rightly rejected the application in I.A.No.84/2018 in I.A.No.183 of 2005 in O.S.No.291 of 2000, filed by the pendent lite purchaser seeking to implead him in a final decree proceedings. I see no reason whatsoever to interfere with the proceedings now under challenge.

5. The civil revision petition is accordingly dismissed. No costs.

07.04.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

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To:

- 1.The Sub Judge, Cheyyar.
- 2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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