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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

A No. 6468 of 2024

in

CS No. 654 of 2006

V.Sundar

S/.K.Vasudeevan, NO.12, ALAGIRI NAGAR,
1ST STREET, VADAPALANI,
CHENNAI 26. Currently residing at No.139-140, Aisharyam
Garden Nedungundram, Chennai 600 127.

Applicant(s)

Vs

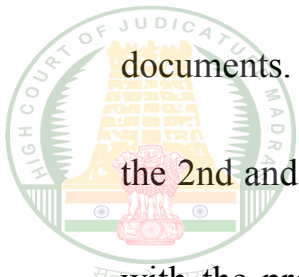
M.DANIEL THOMAS (Deceased) M.Lidiya Aruputhamani
(Decd) 1.D.Jencee Leena
D/o.Late M.Daniel Thomas, No.2, Bharathi Poonga Street,
Selaiyur, Chennai 600 073. and 6 Others

Respondent(s)

ORDER

This application has been filed by the applicant to strike off /delete the
name of the Applicant/5th defendant from the array of parties from the above suit.

2. The learned counsel for the applicant submitted that the applicant
has purchased the Undivided share along with the residential apartment by virtue of
Sale Deed dated 30.03.2005 from the 2nd and 3rd Defendants after verifying



documents. Neither during the time of purchase of UDS nor during the field e

the 2nd and 3rd defendants did not inform to the applicant about the litigation attached

with the property and the Plaintiffs did not take steps to prevent construction in the

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subject property.

3.It has been further submitted that the applicant is not presently in possession nor ownership of the property since the suit property is sold out by virtue of Sale Deed dated 02.10.2018 in favour of Mr. Karthik Kumar Sha. Therefore, no relief of partition can lie against the applicant and prays to delete the Applicant/5th Defendant from the array of the parties in the present suit.

4. The learned counsel for the respondent submitted that the applicant is a necessary party, since, the subject property was purchased by the applicant and also notice was served and everything was intimated to the applicant at the time of adding as necessary party of this above mentioned suit. If the applicant was removed, the respondent will be put to irreparable loss and untold hardship. Hence, he seeks to dismiss the said application.



5. Heard both sides and perused the material available on records.

6. On perusal of the records, it is admitted fact that the 5th defendant is a

bonafide purchaser. Even though he has stated that the suit property has been sold out to one Mr. Karthik Kumar Sha by virtue of Sale Deed dated 02.10.2018, but on the contrary, he has filed Agreement of Sale dated 02.11.2018 and not filed any sale deed to the aforesaid effect. Hence, this Court is not inclined to allow the application.

7. Accordingly, this application is dismissed. No costs.

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A.A.NA [REDACTED], J.

lbm

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