



WEB COPY



C.R.P.(PD).No. 191 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No. 191 of 2025

M/s.The Government Tele – Communication
Employee's Cooperative Society Limited
having Office at NO.37 A, Sembudoss Street,
Chennai – 600 001.

...Petitioner

Vs.

1.R.Venkatesan

2.M/s.Om Sakthi Agencies (Madras) Pvt., Ltd.,
No.1, Jawaharlal Nehru Salai,
Ekkaduthangal,
Chennai.

3.The Commissioner
Avadi Municipality
Avadi,
Chennai – 600054

4.The Chairman
Avadi Municipality
Avadi, Chennai – 600054.



C.R.P.(PD).No. 191 of 2022

5.The President
Vellanur Panchayat
Vellanur,
Ambattur Taluk,
Thiruvallur District – 600062

6.The Managing Director
Director of Town and Country Planning
Mount Road,
Anna Salai,
Chennai – 600002

7.The Tahsildar
Ambattur Taluk,
Ambattur, Chennai – 600053

8.The Village Administrative Officer
Vellanur Madura, Aarikambedu Village
Ambattur Taluk,
Thiruvallur District – 600062

9.The Sub Registrar
Avadi Sub Registration Office
Avadi, Chennai – 600054

10.The Member Secretary
CMDA,
Chennai

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside order dated 03.10.2024 passed in IA.No.5 of 2022 in OS.No.424 of 2003, on the file of the District Munsif, Ambattur.



WEB COPY



C.R.P.(PD).No. 191 of 2022

For Petitioner : Mr. T.Sundaranathan

ORDER

Challenging the dismissal of their application filed under Order XIV Rule 5 of the CPC to frame an issue on the maintainability of the suit on the ground of non joinder of necessary parties, the 10th defendant is before this Court.

2. The suit has been filed by the 1st respondent for a permanent injunction and mandatory injunction. The petitioner has been impleaded subsequently in the suit in the year 2013. The suit property was purchased for a valid consideration by the 10th defendant who has been in possession and enjoyment of the same and the revenue records mutated in their name. The petitioner was set ex parte on 25.06.2013 and the application to set aside the ex parte was also dismissed. Against which CRP.No.1585 of 2017 was filed and allowed. Thereafter, the 10th defendant / petitioner had filed the written



statement which was thereafter taken on file.

WEB COPY

3. Issues were framed on 08.11.2013 and evidence has been let in by the plaintiff. It is submitted that 85 persons have a right to the suit property and are necessary parties. Therefore, the petitioner has come up with the application, subject matter of this revision, to consider non-joinder as a primary issue. The petitioner is a subsequent purchaser pending litigation who is neither the owner nor in continuous possession.

4. During the pendency of the suit, the petitioner attempted to change the revenue records and the same is hit by doctrine of lis pendence. The respondent would deny the title and possession of the petitioner and contend that subsequent purchaser cannot have a better right. The petitioner has allowed the Trial of the suit to be proceeded with and it is only after substantial evidence has been recorded that the present petition has been filed.



WEB COPY

5. The petitioner who is a pendente lite purchaser has come forward with this application to take up the issue of non – joinder of necessary parties. The suit admittedly has been filed as early as in the year 2003. The learned Trial Judge observed that the petitioner was impleaded as 10th defendant on 11.01.2011. Thereafter, he filed a written statement and was set ex parte. Against the ex parte order the petitioner filed I.A.No.638 of 2016 and the same was dismissed on 11.08.2016, which was challenged in the revision before this Court. Ultimately, it was allowed.

6. The suit is now posted for arguments. At this stage the present application has been filed. The parties had gone to trial on the basis of the issues that had been framed and one of the issues that has been framed is with reference to the jurisdiction. At this juncture, the petition has been moved apparently to drag on the proceedings.



C.R.P.(PD).No. 191 of 2025

WEB COPY

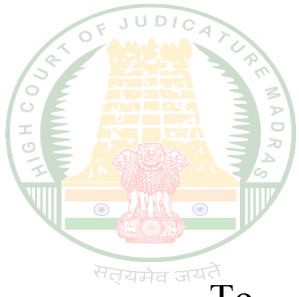
7. The Court has heard all the issues together, evidence has also been let in and the same has been reserved for orders. Therefore, at this juncture, direction to hear the issue of non-joinder as a preliminary issue is absolutely baseless. I see no reason to interfere with the order.

8. The civil revision petition is dismissed. No costs.

05.02.2025

Index : Yes/No
Internet : Yes/No

kan



C.R.P.(PD).No. 191 of 2023

To
WEB COPY

The District Munsif,
Ambattur.



WEB COPY



C.R.P.(PD).No. 191 of 2025

P.T. ASHA, J,

kan

C.R.P.(PD).No. 191 of 2025

05.02.2025