

C.R.P. (PD) No. 311 of 2025

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. (PD) No. 311 of 2025
and C.M.P.No.2028 of 2025

C.Mohanraj

...Petitioner

Vs

- 1 M/s.Deepak Traders
Through its Partner, Madan Gopal Hedda
carrying business at Market Road, Sedam
Gulbarga District, Karnataka State.
- 2 M/s.Prakash Traders
Through its partner, Satyanarayan Hedda
Carrying business at Market Road, Sedam
Gulbarga District, Karnataka State.
- 3 M/s.Saroj Agency,
Through its partner, Madan Gopal Hedda
Carrying business at Market Road, Sedam
Gulbarga District, Karnataka State.
- 4 A.J.Suresh Kumar
S/o. A. Jayapal, Door No.1, Kullappa Street
Dadagapatty Salem - 006.



C.R.P. (PD) No. 311 of 2025

WEB COPY

- 5 M/s.Hari Narayanan Nathabal Kabra,
Market Road, Sedam, Gulbarga District
Karnataka State.
- 6 M/s.Kabra Commercial Agency,
Market Road, Sedam, Gulbarga District
Karnataka State.
- 7 M/s.Sriram Traders,
Market Road, Sedam, Gulbarga District
Karnataka State.
- 8 M/s.Chandrakant Dindure and Arjum
Solapur Jaya Raj, Canvasing Agent, Solapur
Solapur District, Maharashtra State.
- 9 M/s.Vijayalakshmi Traders,
No. 1564 Main Road, Maindargi, Akkalkot Taluk,
Solapur District, Maharashtra State.
10. M/s.Mailarlingeshwar Traders,
Bijapur Road, Indira Nagar Taluk,
Solapur District, Maharashtra State.
11. M/s. Thirumurugan Stores,
No.358, Rangai Gounder Street, Coimbatore.
12. N.G.Venkatesan Chettiar,
13. Pugal
14. Subramani



C.R.P. (PD) No. 311 of 2025

WEB COPY

15. Ramachandran

16. Prabu and Co.,
Aku Dal Mill,
Vathiyar Kallam Sandu,
Suramangalam Main Road,
Salem.

17. Mohan

18. Senthil

19. Ganesan

20. Senthil

21. M/s. Annai Traders,
Tiruppur Main Road, Palladam,
Tiruppur District.

22. M/s. Abirami Traders,
Kovai Road, Mettupalayam.

23. M/s. Annai Traders,
Palladam Main Road, Sullur,
Tiruppur District.

24. M/s. Gupta Traders,
Rangai Gounder Street, Coimbatore.

25. M/s. Radha Traders,
Market Road, Erode.



C.R.P. (PD) No. 311 of 2025

WEB COPY

26. M/s.Nanbargal Maligai,
Bazaar Street, Tiruppur.

27. Lalitha Viswanathan

...Respondents

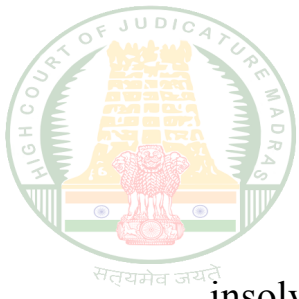
PRAYER: Civil Revision Petition filled under Article 227 of Constitution of India to set aside the fair and decretal order dated 11.11.2024 made in I.A.No.73 of 2018 in I.P.No.29 of 2024 on the file of the Principal Subordinate Judge, Salem and allow the above revision.

For Petitioner : Ms.P.Veena Suresh

ORDER

The petitioner herein seeks to challenge the order passed in I.A.No.73 of 2018 in I.P.No.29 of 2014 dated 11.11.2024 wherein he has been impleaded as the 26th respondent in I.P.No.29 of 2024.

2. I.A.No.73 of 2018 has been filed by the respondents 1 to 3 seeking to implead the petitioner herein in I.P.No.29 of 2014. The

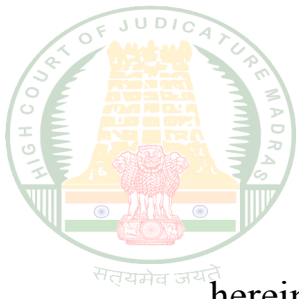


C.R.P. (PD) No. 311 of 2025

WEB COPY

insolvency proceedings has been filed by the debtor himself/4th respondent herein. In the implead petition, the respondents 1 to 3 /petitioners would contend that they had filed I.A.No.17 of 2015 seeking amendment of the original counter by adding a counter claim and the same was allowed by this Court on 10.08.2015. In the counter claim, the respondents 1 to 3 have sought the relief to declare the transfer of property by the 4th respondent herein by virtue of Sale Deed dated 14.07.2014 as fraudulent. The said sale deed has been executed in favour of the revision petitioner herein. Therefore, they would contend that he is a necessary party to the proceedings.

3. A counter statement has been filed by the revision petitioner /26th respondent stating that he is a *bonafide* purchaser for value and that he had spent huge sums of money to improve the property. He would submit that he is in absolute possession and enjoyment of the same. He would further submit that he is unaware of the transactions between the respondents 1 to 3 and the 4th respondent



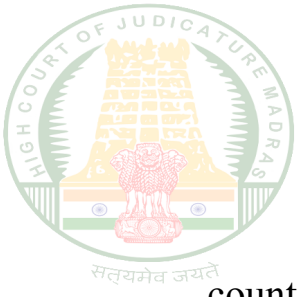
C.R.P. (PD) No. 311 of 2025

WEB COPY

herein. The revision petitioner would contend that he had purchased the property on 14.07.2014 and the counter claim has been filed on 10.08.2015. Therefore, the counter claim itself is barred by limitation and he is not a necessary party. The learned Principal Subordinate Judge, taking into consideration the fact that the relief which is claimed would have a direct impact on the revision petitioner, had allowed the application. Challenging the same, the revision petitioner is before this Court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. A perusal of the records would show that the respondents 1 to 3 in the insolvency proceedings have filed a counter claim and the relief in the counter claim is to set aside the Sale Deed that has been executed by the 4th respondent herein in the insolvency proceedings in favour of the revision petitioner. Any decision taken in the



C.R.P. (PD) No. 311 of 2025

WEB COPY

counter claim would have a direct impact on the revision petitioner.

Therefore, he is a proper and necessary party to the proceedings and the Court is at a loss to understand as to why there is a challenge to the order which is only for the benefit of the revision petitioner so as to ensure that no orders are passed behind his back. I see no reason to interfere with the order passed by the learned Principal Subordinate Judge, Salem. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

Index: yes/no

Speaking Order: Yes/No

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To

The Principal Subordinate Judge, Salem



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C.R.P. (PD) No. 311 of 2025

P.T.ASHA, J.

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C.R.P. (PD) No. 311 of 2025

06.02.2025