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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 5154 of 2025 and CMP No.25984 of 2025

1. S. Kamaraj
S/o M.Seeniappa Nadar, No 5/210, 5th
Main Road, Otteri Extension, Vandalur,
Chennai 048.

Petitioner(s)

Vs

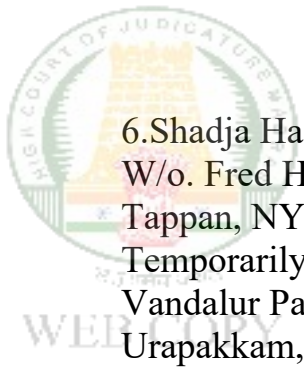
1. K.V. Subbaiah (Died) 1. Lakshmi
W/o K.V.Subbaiah, No 1, Cross St Shankar
Nagar, Pammal, Ch-75

2.K. Srinivasulu
S/o. K.V. Subbaiah, No.8/14, Jayatheertha
Rao Street, LIC Colony Extension, Pammal,
Chennai 75.

3.K. Ragupathy
S/o. K.V. Subbaiah, Plot No.116, 30th
Street, Shankar Nagar, Pammal, Chennai
75.

4.K. Kalavathy
W/o. Devendiran, Plot No.145, Gandhi
Main Road, Shankar Nagar, Pammal,
Chennai 075.

5.K. Sureshbabu
S/o. K.V. Subbaiah, No.1, I Cross St,
Shankar Nagar, Pammal, Chennai 75.



6.Shadja Haas
W/o. Fred Haas, No.66, Cambel Ave,
Tappan, NY 10983, USA, Now
Temporarily res at No.3, GST Road,
Vandalur Park Residency Dahlia G1,
Urapakkam, Chennai 210.

Respondent(s)

For Petitioner(s): Mr.A.V.Arum
For Mr.G.Saravanan

For Respondent(s): M/s.S.Saraboji
For Rr1 To 5
Mr.D.Vijay
For Mr.Dharmakkan
For R.6

Revision filed under Article 227 of the Constitution of India to strike out the petition and affidavit in I.A.No.6 of 2025 in O.S.No.183 of 2007 on the file of Additional District Judge, Chengalpattu, Chengalpattu District.

ORDER

Heard Mr.A.V.Arun, learned counsel for the revision petitioner and Mr.S,Saraboji, learned counsel for the contesting respondents 1 to 5 and Mr.D.Vijay, learned counsel for the sixth respondent.

2. The revision petitioner is the second defendant in the suit for specific performance. The first defendant and the plaintiff had entered into an agreement of sale



and even prior to the institution of the suit, the second defendant/revision petitioner had purchased the property from the first defendant.

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3. Learned counsel for the revision petitioner brings to my notice that the purchase made by the revision petitioner was only subsequent to termination of the agreement of sale by issuance of notice by the first defendant to the plaintiff. However, the suit for specific performance came to be filed, despite the said termination notice issued in the year 2007. The suit came to be dismissed for non-prosecution on 29.04.2013. Interlocutory applications have been filed to restore the suit and along with an application to condone the delay and the said application in I.A.No.340 of 2013 for condonation of delay also came to be dismissed on 22.07.2014. In order to restore the dismissal of I.A.No.340 of 2013, the plaintiff filed I.A.No.4 of 2017 with a delay of 180 days in filing the application for restoration. The other applications also came to be allowed exparte and the petitioner took out applications in I.A.Nos.2,3,4 and 5 of 2023 to set aside all the exparte orders passed in the Interlocutory applications taken out by the plaintiff. Those applications came to be allowed. It is therefore the submission of the Mr.A.V.Arun that the relief sought for in I.A.No.1 of 2023 has become infructuous and nothing survives for further consideration.

4. In the meantime, the plaintiff died and the legal representatives took out an application in I.A.No.6 of 2025 seeking to implead themselves in I.A.No.1 of 2023. The



said application is now sought to be struck off by filing the present revision.

5. I find force in the submission of the learned counsel for the petitioner. No useful purpose would be served by the respondents 1 to 5 seeking impleadment in I.A.No.1 of 2023 when the relief sought for in I.A.No.1 of 2023 itself is not available to these contesting respondents 1 to 5. Therefore, the revision, seeking to strike off I.A.No.6 of 2025 has to be necessarily entertained and allowed. However, learned counsel for the respondents 1 to 5 would seek liberty to take out appropriate applications in I.A.No.1 of 2017 to implead the respondents 1 to 5 and to proceed with the said application.

6. At this juncture, Mr.Arun, learned counsel for the petitioner brings to my notice that despite the revision petitioner being the second defendant, he has not been arrayed as a respondent in I.A.No. 4 of 2017.

7. In the light of the above, while striking off I.A.No.6 of 2025 in O.S.No.183 of 2007 before the Additional District Court, Chengalpattu, liberty is granted to the respondents 1 to 5 to seek impleadment in I.A.No.4 of 2017, besides also taking out application to implead the revision petitioner/2nd defendant in the said application.

8. Any application is filed within a period of two weeks from the date of



receipt of a copy of this order, the same shall be taken up and disposed of by the court within a period of eight weeks thereafter.

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9. With the above direction, the civil revision petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

17.12.2025

Neutral Citation: Yes/No

Speaking Order/Non-speaking Order

Index : Yes / No

Internet:Yes

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To

The Additional District Court, Chengalpattu



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P.B.BALAJI.J

sr

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