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CRP.No.5404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5404 of 2025 and
CMP.No.27205 of 2025

1.R.Anandhan
2.T.Krishnasamy
3.R.Govindhasamy

... Petitioners

Vs.

1.Sasikala
2. P.K.Shanmugam

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the Fair and Final Order passed in I.A.No.3 of 2025 in O.S.No.114 of 2018 on the file of 1st Additional District Judge, Erode, dated 18.9.2025.

For Petitioner : M/s.V.S.Kesavan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the 1st respondent/plaintiff seeking to implead the petitioners as party defendants in a suit.



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2. The first respondent filed a suit for partition against her parents-in-law. Pending suit, the first respondent acquired knowledge based on the reply notice issued by owner of the Sakthi Auto Gas. Thereafter, the petitioners got the certified copy of the sale deed dated 05-10-2016 and came to know that the petitioners herein purchased item 1 of the suit property. Therefore, the instant application has been filed to implead the petitioners as party defendants in a suit in their capacity as purchaser of item 1 of the suit property.

3. The petitioners filed counter-affidavit and resisted the application by supporting the title of the first defendant. It was the case of the petitioners that the suit property was allotted to first defendant in a family partition and hence, the same shall be treated as a separate property and the first respondent/plaintiff cannot claim any right over the suit property.

4. The Trial Court, taking into consideration that the petitioners purchased item 1 of the suit property even prior to the suit, allowed the impleading application. Aggrieved by the same, the petitioners have come



before this Court.

5. The learned counsel for the petitioners submitted that the first respondent not even produced the sale deed executed in favour of the petitioners. Therefore, the impugned order is liable to be set aside.

6. The first respondent, in his affidavit filed in support of the impleading application, clearly asserted that item 1 of the suit property was purchased by the impleading petitioners on 05-10-2016. The said averment was not specifically denied by the petitioners in their counter to the impleading petitioner. It was not the case of the petitioners that under document dated 05-10-2016, the petitioners have not purchased the item 1 of the suit property. In the absence of such specific denial, this Court is unable to accept the submission made by the learned counsel for the petitioners. Further, in ground No.3 raised in this revision petition, the petitioners claim that they are bonafide purchasers of property for valuable consideration under document dated 05.10.2016. Hence, the purchase by the petitioners is not disputed. Whether petitioners are bonafide purchasers is a matter to be decided



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in main suit. Being a prior purchaser of the portion of the suit property in a suit for partition, the presence of petitioners are very much required. In their absence, no effective decree can be passed. Hence, there is no error in the order passed by the court below allowing the application for impleadment filed by the first respondent. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The 1st Additional District Judge, Erode.



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S.SOUNTHAR, J.

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