



C.R..P.(PD)(MD).No.759 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.759 of 2025

and

C.M.P(MD)No.4026 of 2025

S.Arul Raj

... Petitioner/Petitioner
Plaintiff

Vs.

1. B. Jeba Singh
S/o.Benson,
Sole Proprietor of Eden Stereos,
C.S.I.Shopping Complex, Main Road,
Marthandam,
Residing at Nagamangalam Veedu,
Pacode, Pacode Village,
Vilavancode Taluk,
Kanyakumari District.

... 1st Respondent/1st
Respondent/
Sole Defendant

2. ST.Lurdu Annai Church Muthappancode
Represented through its Parish Priest Fr. D.Sujin,
Parish Priest, St.Lurdu Annai Church, Lurdu Giri,
Muthappancode, Anducode 'B' Village,
Vilavancode Taluk,
Kanyakumari District.

... 2nd Respondent/
2nd Respondent/
Proposed 2nd Defendant



C.R..P.(PD)(MD).No.759 of 2025

WEB COPY

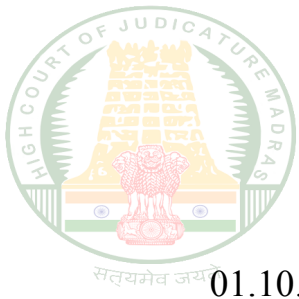
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.12.2024 passed in I.A.No.2 of 2021 in O.S.No.50 of 2020 on the file of the Subordinate Judge, Kuzhithurai, and allow the present Civil Revision Petition.

For Petitioner : M/s.J.Anandhavalli

ORDER

The plaintiff in O.S.No.50 of 2020, on the file of the Sub Court, Kuzhithurai, has filed the present Civil Revision Petition challenging the dismissal of his application to implead a third party to the suit.

2. A perusal of the records reveal that the above said suit has been filed for the relief of recovery of money on the ground that the cheques given by the sole defendant were dishonored. Pending suit, the plaintiff had filed I.A.No.1 of 2020 seeking attachment before judgment. The defendant has received the summon on 14.03.2020. Thereafter, apprehending that the defendant may dispose of the property, the plaintiff has issued a notice to the proposed party on 25.04.2020 not to purchase the property. Despite the said notice, the defendant has sold the property to the proposed parties on



C.R..P.(PD)(MD).No.759 of 2025

WEB COPY

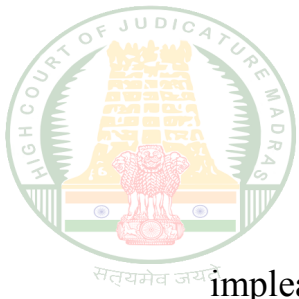
01.10.2020. The defendant has filed a counter affidavit on 12.03.2021 in the ABJ application.

3. According to the petitioner, the plaintiff has filed I.A.No.2 of 2021 to implead the purchaser of the property as a second defendant to the suit. This application has been dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

4. According to the learned counsel appearing for the revision petitioner, after summons were received by the defendant in the suit, he had sold the property to the proposed party. In fact, the proposed party was also cautioned not to purchase the property. Therefore, the said sale is a fraudulent transfer and he is a necessary party to the suit.

5. Heard the learned counsel appearing for the petitioner and perused the material records.

6. The prayer in the suit reveals that the suit is for recovery of money based upon dishonor of cheque issued by the defendant. Therefore,



C.R..P.(PD)(MD).No.759 of 2025

WEB COPY

impleading a third party, who has nothing to do with the money transaction to the plaintiff and the defendant, is not necessary. In case, if the plaintiff is of the opinion that the sale effected by the defendant is a fraudulent sale, the said issue could be adjudicated during the execution proceedings as contemplated under Section 53 of the Transfer of Property Act.

7. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Subordinate Judge,
Kuzhithurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

4/5



WEB COPY



C.R..P.(PD)(MD).No.759 of 2025

R.VIJAYAKUMAR,J.

ebsi

C.R.P(PD)(MD)No.759 of 2025

12.03.2025