

C.R.P.(PD)(MD)No.1613 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1613 of 2025

K.Karthikeyan

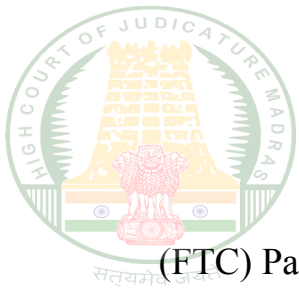
... Revision Petitioner/tenant

Vs.

1. Viswas Promoters Private Limited,
Represented Through its Managing Director,
C.Seetharaman,
2. Mahalakshmi Textiles Mills Limited,
Represented through its Managing Director,
Alagusundaram.
3. The Sub Registrar,
Sub Registrar Officer,
Kodaikanal Taluk,
Dindigul District.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 16-10-2024 made in I.A.No. 243 of 2024 in O.S.No.369 of 2022 on the file of the Additional District Court



C.R.P.(PD)(MD)No.1613 of 2025

(FTC) Palani, Dindigul District.

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For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.V.R.Shanmuganathan

for Mr.K.Abdul Sabar Khan
for R1

R2-D/W

Mr.B.Saravanan
Additional Government Pleader
for R3

ORDER

The learned counsel for the petitioner would submit that the petitioner filed an impleading petition under Order I Rule 10(2) to implead himself as proposed third defendant and I.A.No.243 of 2024 in O.S.No.369 of 2022 and the same was dismissed on the ground that the petitioner is not a necessary party. Challenging the same, the present revision petition has been filed.

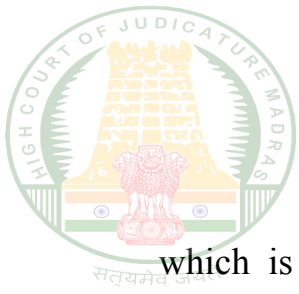
2. The learned counsel for the petitioner would submit that the first respondent/plaintiff filed a suit for the relief of permanent injunction alleging that the first respondent entered various sale agreements and agreed to purchase the property from the second respondent and he paid advance amount approximately a sum of Rs.4,00,00,000/- not only in respect of this property and



C.R.P.(PD)(MD)No.1613 of 2025

including various properties and the possession was handed over immediately based on the sale agreement. The claim was made by the first respondent in the suit schedule property on the basis of the agreement entered in between them and thereby filed suit for bare injunction and obtained injunction. When the suit is pending before the very same Court, the second respondent entered the sale agreement with the petitioner on 06.01.2023 and the same was not honoured by the second respondent. Thereby, the petitioner filed the suit in O.S.No.79 of 2025 for specific performance on the file of the learned Additional District Judge, Fast Track Court, Palani, Dindigul District(very same court) and the same is pending. Thereafter, the petitioner came to know that the first respondent already filed a suit as against the second respondent for injunction with leave of the Court to file a suit for specific performance under Order II Rule 2 and the same was ordered in favour of him. Subsequently, the petitioner came to know that the suit is pending in between them and hence the petitioner wants to implead him as a party in the suit filed under Order I Rule 10(2) and the same was dismissed simply on the ground that the petitioner is not necessary party.

3. In the suit filed by the 1st respondent, the petitioner is not a party



C.R.P.(PD)(MD)No.1613 of 2025

which is pending. The learned counsel for the petitioner would submit that though the petitioner is not necessary party in the suit filed by the 1st respondent, the petitioner filed subsequent suit with regard to the agreement entered between him and the second respondent. Hence by impleading himself in the suit filed by the first respondent, no prejudice would cause either to the first respondent or to the second respondent. The learned counsel for the petitioner would further submit that this Court may direct the trial Court to dispose the suits simultaneously. Accordingly he prayed for appropriate orders.

4. The learned counsel for the first respondent/plaintiff submitted that admittedly, the petitioner is not necessary party or proper party. There was an agreement prior to the petitioner. Knowing very well, the injunction granted by the trial Court, the petitioner entered into the sale agreement with the second respondent which is not binding on the first respondent since the first respondent already entered the sale agreement and took over possession for which the trial Court granted injunction and hence the petitioner neither coming as necessary party or proper party and his presence is not required for effective disposal of the suit. The effective adjudication is only in between the first respondent and the second respondent and not to the petitioner. To support his argument, the learned counsel for the first respondent relied on the judgment



C.R.P.(PD)(MD)No.1613 of 2025

reported in 2010 (7) SCC 417, accordingly, prayed for dismissal of this revision petition. HE further submitted that at the fag end of the civil suit, the present application is filed.

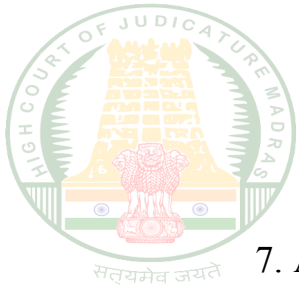
5. The petitioner made an endorsement for dispense with the appearance of the second respondent. Heard the learned counsel for the petitioner, first respondent and the learned Additional Government Pleader for the third respondent and perused the materials available on record.

6. The facts in the present case is not in dispute. Admittedly, the first respondent entered various sale agreements with the second respondent and he claim approximately more than Rs.4,00,00,000/-(Rupees four crores only) for various properties including the suit property. The first respondent filed injunction suit as against the second respondent and an injunction also granted in favour of him and further he reserves the right to file the suit for specific performance under Order II Rule 2 and the same was ordered in his favour. After injunction granted in favour of the first respondent as against the second respondent, the petitioner entered the sale agreement with the second respondent for which the suit was filed for specific performance in O.S.No.79 of 2025 and the same is pending on the very same Court where the earlier suit is



C.R.P.(PD)(MD)No.1613 of 2025

pending, which is undisputed. In this regard, this Court perused the decision of the Hon'ble Apex Court in the judgment reported in 2010 (7) SCC 417 wherein in paragraph Nos.12,13,14, the Hon'ble Apex Court makes it clear that Court may at any stage of the proceedings, either upon or even without any application, and on such terms as may appear to it to be just, direct that any of the following persons may be added as a party; any person who ought to have been joined as plaintiff or defendant but not added or any person whose presence before the Court may be necessary in order to enable the Court to effectively and completely adjudicate upon and settle the questions involved in the suit. In the present case, admittedly, the petitioner is not necessary party in the suit filed by the first respondent as against the second respondent. Since he is not a party to the agreement and after the injunction granted by the trial Court, the petitioner entered into a sale agreement with the second respondent in respect of the very same suit property for which the suit for specific performance filed before the very same Court in O.S.No.79 of 2025 is pending and hence the appearance of the petitioner in the suit in O.S.No. 369 of 2022 filed by the first respondent is necessary to settle the questions involved in the suit. Hence, the order of the trial Court is liable to be interfered.



C.R.P.(PD)(MD)No.1613 of 2025

7. Accordingly, the trial Court is directed to implead the petitioner as one of the party in the suit filed by the first respondent and dispose the suit in O.S.No.79 of 2025 filed by the petitioner as well as the suit in O.S.No.369 of 2022 filed by the first respondent simultaneously.

8. The Civil Revision Petition is disposed of with the above direction..

No Costs.

23.06.2025

Internet: Yes/No
Index: Yes/No
PJL

To
1.The Additional District Court (FTC),
Palani, Dindigul District.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD)(MD)No.1613 of 2025

M.DHANDAPANI, J.

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C.R.P.(PD)(MD)No.1613 of 2025

23.06.2025