



C.R.P.(PD)(MD)No.309 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.309 of 2022

and

C.M.P.(MD)No.1368 of 2022

Vidya

... Petitioner

Vs.

- 1.Murugaiah
- 2.Ramasamy
- 3.S.Abireddiar (died)
- 4.Alamelu Ammal
- 5.Perumal
- 6.R.Krishnasamy
- 7.Ramalakshmi

... Respondents

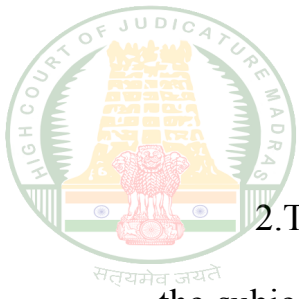
[Respondents 5 to 7 are brought on record as legal heirs of the deceased third respondent vide order dated 06.11.2024]

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 21.09.2021 passed in I.A.No.28 of 2019 in O.S.No.83 of 2018 on the file of the Sub Court, Kovilpatti.

For Petitioners : Mr.S.Pon Senthil Kumaran
For R2 : Mr.E.Muthumalai Raja
For R1 & R4 – R7 : No Appearance

ORDER

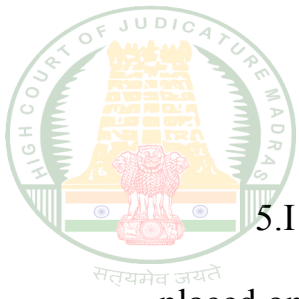
This Civil Revision Petition is filed challenging the order dated 21.09.2021 passed in I.A.No.28 of 2019 in O.S.No.83 of 2018 on the file of Sub Court, Kovilpatti.



2.The petitioner is the third party to the suit proceedings. He purchased the subject property from the first defendant herein during the pendency of the partition suit filed by the first and second respondents/plaintiffs. In that suit, the petitioner filed an interlocutory application in I.A.No.28 of 2019 seeking to implead herself as a party to the suit proceedings. The said petition was dismissed. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submits that the first and second respondents/plaintiffs filed a suit for partition as against the third and fourth respondents /defendants by impleading the first and second defendants. During the pendency of the suit, the third respondent alienated the property in favour of the petitioner, thereby, the petitioner is the necessary party for proper adjudication of the suit. However, the trial Court had dismissed the said application. Hence, he prayed for appropriate orders.

4.The learned counsel for the second respondent submits that the petitioner has purchased the property during the pendency of the suit proceedings. Hence, the said sale is hit by the doctrine of *lis pendens* and the petitioner is not the necessary party to decide the suit.



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5.I have considered the rival submissions and perused the materials placed on record.

6.Admittedly, the petitioner herein has purchased the subject property during the pendency of the suit from the first defendant. Having known the above said facts, the petitioner herself has invited the risk by entering into such transaction with her vendor. The petitioner being a *pendente lite* purchaser, is not entitled to be heard in the suit for partition. She is neither a necessary nor a proper party. The decision in the suit would be binding on the petitioner and her purchase would be subject to the result of the litigation. The trial Court by considering all these aspects, has rightly dismissed the application and the same need not interfered.

7.This Civil Revision Petition is dismissed on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Sub Court, Kovilpatti
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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