



C.R..P.(PD)(MD).No.100 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.100 of 2023

and

C.M.P.(MD)No.472 of 2023

1.A.Subburaj

2.A.Sankar

...Petitioners

Vs.

V.Subbarao (died)

S.Kuppulakshmi (died)

1.S.Seenivasan

2.S.Vekateshwaran

3.S.Ravichandran

4.S.Krishnan

5.S.Pandiyan

6.K.Selvam

7.The State of Tamil Nadu,

Rep. by the District Collector,

Theni.

8.The Assistant Director,

Survey Records Division,

Theni.



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9.The Tahsildar,
Taluk Office,
Theni Town.

10.The Assistant Director,
Survey and Land Record,
District Survey Unit,
Madurai.

11.Palaniammal

12.Mohanraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.8 of 2022 in O.S.No.263 of 2006 on the file of the District Munsif Court, Theni dated 23.11.2022.

For Petitioner	: Mr.H.Arumugam
For R1 to R4	: Mr.M.Saravanan
For R7 to R10	: Mr.P.T.Thiraviam
	Government Advocate

ORDER

This Civil Revision Petition is filed challenging the fair and decreetal order passed in I.A.No.8 of 2022 in O.S.No.263 of 2006 on the file of the District Munsif Court, Theni dated 23.11.2022.



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2.The petitioners are the proposed defendants 9 and 10. The respondents 1 to 6 herein are the plaintiffs 1 to 6. They filed a suit for declaration to declare the suit schedule property exclusively belonged to the plaintiffs and injunction as against the defendants. Subsequently, the petitioners herein filed an impleading petition under Order 1 Rule 10 (2) of CPC seeking to implead themselves as ninth and tenth defendants in the suit on the ground that they have purchased the property from the defendants 7 and 8 in the suit. The said application was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioners would submit that the trial Court dismissed the petition filed by the petitioners solely on the ground that as per general rule, the plaintiffs has right to sue against any person and when the plaintiffs sought relief as against the original owner, the subsequent purchaser need not be a party to the suit proceedings and no one could compel the plaintiffs to implead them as party to the suit. Further, the trial Court arrived at a conclusion that the petitioners are neither proper party nor necessary party.



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4.The learned counsel for the petitioners further submit that admittedly, there was a confusion with regard to the property purchased by the petitioners and the extent of the property was also not properly explained in the plaint. Hence, the impleading petition was filed to implead the petitioners and ninth and tenth defendants.

5.He would further submit that the petitioners entered into a sale agreement with the first and second defendants for purchasing the suit property. Since the sale agreement was not performed, the petitioner filed a suit for specific performance as against the defendants 1 and 2 in O.S.No.208 of 2011 on the file of the Sub Court, Theni. The said suit was decreed and the sale deed was executed on 24.11.2017. Thereafter, the petitioners came to know that the very same suit property is the subject matter of the civil suit filed respondents 1 to 6 herein. Hence, they sought to be impleaded in the suit proceedings and the said petition was dismissed. They claim that to resolve the disputed questions raised in the suit, the petitioners will be the necessary party. Hence, he prayed for appropriate orders.



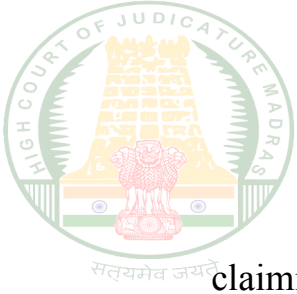
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6.Per contra, the learned counsel for the respondents 1 to 4 would submit that the subject matter of property in the present suit and the property claimed to be purchased by the petitioners from the first and second defendants are different. Since no relief is sought as against the petitioners, they are not the proper or necessary party to the suit proceedings. Hence, they are not entitled to implead them as a party in the suit.

7.Heard the learned counsel appearing on either side and perused the materials placed on record.

8.The respondents 1 to 4 claim that the petitioners are unnecessary parties as no relief is sought as against them and the subject property in the suit for specific performance and the property claimed to be purchased by the petitioners from the first and second defendants are different. Such being the categorical submission made by the respondents 1 to 4, the petitioners neither come under the category of necessary party nor proper party. The respondents 1 to 6 are the "*dominus litis*" in the present suit filed for specific performance. They cannot be compelled to implead a third party, as a defendant in the suit, especially, when the plaintiffs in the suit are not



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claiming any relief as against the third party, viz., the petitioners herein. The said issue was rightly appreciated by the trial Court and the application filed by the petitioners was dismissed. The said order need not be interfered.

9.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Munsif Court, Theni.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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