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CMP No. 5513 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 5513 of 2026

AND

SA SR NO. 18385 OF 2026

K.M.Plastics

A partnership Firm,

Rep.by its partner N.Shanmugaveni,

S.No.139/4, Jagir Ammapalayam Village,

Jagir Reddipatty,

Salem Dist.

..Petitioner/Appellant(s)

Vs

1. V.Valarmathi
W/o.D.Vijayakumar,
Keelbatchapettai,
Harur,
Dharmapuri Dist.
2. The Branch Manager
The Tamil Nadu Industrial Investment
Corporation Ltd,
Special Recovery Branch,
D.No.3-6,
Vaalmeeiki St,
Subramanya nagar,
Salem 636 004.
3. K. Murugesan
K.M.Plastics,
Vellalapatty Post,
Karuppur via,
Vellalapattu Bus Stand,
Omalur Tk,
Salem Dist.
Parvathi (Died)
4. Arivuselvam
S/o.Late H.N.Vediappan,



Keel Batchapettai,
Harur Post and Tk,
Dharmapuri Dist.

5. V. Manoharan
S/o.Late H.N.Vediappan,
Keel Batchapettai,
Harur Post and Tk,
Dharmapuri Dist.
6. Mangairkarasi
W/o.parthasardhi and D/o.Late H.B.Vediappan,
874, Phase-II,
TNHB,
Thirupattur Tk,
Vellore Dist.
7. V. Jayaraman
S/o.late H.N.Vediappan,
Keel Batchapettai,
Harur Post and Tk,
Dharmapuri Dist.
8. V. Lakshmi alias Jayalakshmi
W/o.Kumarapandian,
Shree Ramalu Nagar,
Kaveripattinam,
krishnagiri Dist 635 112
9. M. Lakshmi
W/o.Late Rajendran,
Mallapadi Village,
Tirupattur Main Road,
Bargur Tk,
Krishnagiri Dist 635 104
- 10.R. Deepak Kumar
S/o.Late Rajendran,
Mallapadi Village,
Tirupattur Main Road,
Bargur Tk,
Krishnagiri Dist 635 104



11.R.L.Thennarasu
W/o.Late Rajendran,
Mallapadi Village,
Tirupattur Main Road, Bargur Tk,
Krishnagiri Dist 635 104.

..Respondent(s)

SA SR No. 18385 of 2026

M/s.K.M.Plastics
A Partnership Firm,
Rep. by its Partner Mrs.N.Shanmugaveni,
S.No.139/4, Jagir Ammapalayam Village,
Jagir Reddipatty, Salem District.

..Appellant(s)

Vs

V.Valarmathi
W/o. D.Vijayakumar,
Keelbatchapettai, Harur,
Dharmapuri District.

..Respondent(s)

CMP No. 5513 of 2026

To grant Leave to the Appellant to prefer Second Appeal against the impugned Judgement dated 13.10.2025 passed in AS.No.17/2022 by the Learned Additional District Judge, Dharmapuri in so far as its findings in respect of the suit Schedule B property, and pass such further or other orders as this honble Court.

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For Appellant(s): Mr.Arun Anbumani
Arya Raj

For Respondent(s): Mr.R. Ezhilarasan
M.P.Bharathi



ORDER

When the matter is taken up for hearing today, the learned counsel for the petitioner/appellant would submit that the petitioner/appellant, a partnership firm is the auction purchaser of the suit schedule “B” property from the 2nd respondent- Tamil Nadu Industrial Investment Corporation Limited, vide Sale Deed dated 19.08.2005. From the date of purchase of the suit schedule B property, the petitioner/appellant has been in possession in the said property. Despite the same, OS. No.30 of 2008 and A.S. No.17 of 2022 viz., the trial and first appellate court proceedings, have been conducted without arraying the appellant as a party and without affording any opportunity of hearing to the appellant.

2. The learned counsel for the appellant would submit that despite the 1st respondent having full knowledge of the auction sale in favour of the appellant, the appellant was not impleaded as a party in the aforesaid suit and first appellate court proceedings. Further, 1st respondent had impleaded the appellant's erstwhile partner as the 2nd defendant in the suit proceedings who remained exparte in the Court below after joining hands with the 1st respondent.

3. It has been further submitted that the 1st respondent/plaintiff, without impleading the appellant herein, has conducted the aforesaid proceedings. The



Trial Court dismissed the suit in O.S. No.30 of 2008 vide Judgment and decree dated 21.02.2012 and in the appeal filed by the 1st respondent, the First Appellate Court partly allowed holding that sale of the Schedule B property by the 2nd respondent herein is not in accordance with law. Being aggrieved by the Judgment and decree of the First Appellate Court, the appellant/auction purchaser has filed the second appeal and the present CMP seeking leave to prefer the Second Appeal.

4.Per contra, the learned counsel for the 1st respondent strongly objected the contention of the appellant and after obtaining the Decree from the First Appellate Court proceedings, the appellant filed the present Second Appeal. One of the Partners of the appellant firm was rightly impleaded both in O.S. No.30 of 2008 and A.S.No.17 of 2022. However, he remained exparte. The First appellate Court after hearing both sides and considering the oral and documentary evidence, rightly set aside the auction proceedings. Hence, he has raised objection to grant leave to the appellant to prefer the second appeal.

5. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, it is seen that the appellant is the auction purchaser from the 2nd respondent vide Sale deed dated 19.08.2005 and from the date of the sale, the appellant claimed possession and enjoyment of B Schedule property. Further, it is seen that pending the suit



proceedings. B schedule property was sold to the appellant. Since the appellant who has purchased the Schedule B property via valid sale deed dated 19.08.2005 and has been in possession of the said property, the 1st respondent ought to have impleaded the appellant in the suit proceedings. Though it has been stated that one of the partners ie. K. Murugesan was impleaded in the suit proceedings, he remained exparte in the Courts below and the reasons for non appearance of K.Murugesan is not known. Since the bonafide purchaser is a registered partnership firm and being an independent legal entity, which has not been given opportunity for hearing in the suit and 1st appeal proceedings, this Court is inclined to grant leave to the appellant to prefer the second appeal. However, liberty is given to the 1st respondent/plaintiff to raise all her objection in the Second appeal.

6. Registry is directed to number the Second Appeal forthwith and post the Second Appeal on 26.02.2026 for admission.

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Lbm/nvsri



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T.V.THAMILSELVI J.

Lbm

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