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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP Nos. 1366, 1371, 1372, 1373, 1375, 1376 and 1380 of 2024

CNR:{HCMA010539302024}

AND
CMP NO. 7375 OF 2024

P.Ponnusamy @ Asaithambi
S/o.Periyanna Gounder

..Petitioner(s)

in all CRPs

Vs

1. Prakash
   s/o.Chinnaiyan

2. Sathish Kumar
   S/o.Krishnasamy

3. Thirumoorthi
   S/o.Chinnusamy

4. Karthikeyan
   S/o.Kittusamy

5. S.G.Madesh
   S/o.N.Govindarajan

..Respondent(s)

in all CRPs

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CRP No. 1366 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 14.08.2023 made in IA No.9/2023 against IA No.127/2021 in OS No.223/2021 on the file of The Principal District Judge, Erode

CRP No. 1371 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.10/2023 against IA No.127/2021 in OS No.223/2021 on the file of The Principal District Judge, Erode

CRP No. 1372 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.8/2023 against IA No.126/2021 in OS No.223/2021 on the file of The Principal District Judge, Erode.

CRP No. 1373 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.6/2023 in OS No.223/2021 on the file of The Principal District Judge, Erode.

CRP No. 1375 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.11/2023 against IA No.128 of 2021 in OS No.223/2021 on the file of The Principal District Judge, Erode.

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CRP No. 1376 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.7/2023 against IA No.126/2021 in OS No.223/2021 on the file of The Principal District Judge, Erode.

CRP No. 1380 of 2024

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and final order dt. 14.08.2023 made in IA No.12/2023 against IA No.128/2021 in OS No.223/2021 on the file of The Principal District Judge, Erode

For Petitioner(s): Ms. D.Sathya

For Respondent(s): M/s.R.Ganesh For R1 To R4
Mr.M.Karthik For R5

Common Order

These Civil Revision Petitions have been filed by the plaintiff challenging the fair and decretal orders passed in IA Nos.6, 7, 8, 9, 10, 11 and 12 of 2023, whereby the applications filed by the subsequent purchasers seeking to implead themselves as parties in the pending Interlocutory applications and the suit and to reopen IA Nos.126, 127 and 128 of 2021, came to be allowed by the Court below.

2. Heard both sides and carefully perused the materials available on record as well as the order passed by the Court below.

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3. The petitioner is the plaintiff, who filed the suit in OS No.223 of 2021 seeking for the reliefs of declaring that the sale deed dated 19.07.2018 is not binding on the plaintiff, granting a permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the property and for a permanent injunction restraining the defendant from in any manner encumbering or alienating the suit property.

4. The petitioner / plaintiff had also filed IA No.126 of 2021 seeking for an interim injunction restraining the defendant from alienating the suit property, IA No.127 of 2021 seeking for an interim injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the suit property and IA No.128 of 2021 seeking for appointment of an Advocate Commissioner. All these applications were pending.

5. The defendant seems to have dealt with the suit property, which was subsequently purchased by the respondents 1 to 4 herein. In view of this development, the respondents 1 to 4 herein filed applications seeking to implead themselves as parties to the suit and the other pending interlocutory applications and also seeking to reopen the applications filed by the plaintiff.

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6. The Court below allowed all these applications. Aggrieved by the same, these Civil Revision Petitions have been filed before this Court.

7. The Court below while allowing the applications took into consideration the fact that the respondents 1 to 4 herein are admittedly *pendente lite* purchasers. The Court below also relied upon the judgement of the Apex Court wherein it was held that even though the sale *per se* cannot be held to be void, the purchase of the property will be subject to the final result in the suit. The Court below further relied upon the judgement of the Hon'ble Supreme Court wherein it was held that even the *pendente lite* purchasers can be impleaded as parties to the proceedings with the leave of the Court.

8. In a recent judgement of the Apex Court in ***Chopra Hotels*** in SLP No.9321 – 9322 of 2026 dated 08.04.2026, the Apex Court once again went into the issue of impleading the *pendente lite* purchasers and held that they can be impleaded as parties since they are proper parties to the proceedings. It was further held that such impleadment will enable the Court to effectively dispose of the suit without giving rise to any future claims.

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9. The Court below has properly applied its mind and permitted the subsequent purchasers viz., the respondents 1 to 4 herein, to be impleaded as parties to the suit.

10. Insofar as the pending Interlocutory applications are concerned, the original defendant in the suit, who is the 5th respondent herein cannot wash off his hands and he has to necessarily contest all the applications that are pending before the Court. Therefore, insofar as IA Nos.126 of 2021, 127 of 2021 and 128 of 2021 are concerned, it is the original defendant who has to contest those applications and there is no necessity to complicate the proceedings by impleading the subsequent purchasers as parties to those applications.

11. In view of the above, the application filed in IA No.7 of 2023 pales into insignificance. Thus, the subsequent purchasers viz., the respondents 1 to 4 herein can be impleaded as defendants in the main suit. Insofar as the pending Interlocutory applications filed by the petitioner / plaintiff, the original defendant was contesting those applications and it is not necessary to implead the subsequent purchasers in those applications. Insofar as the applications filed for reopening the IAs filed by the plaintiff, it has no meaning since those applications are still pending before the Court. These directions will sufficiently take care of the interest of all the parties concerned.

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12. In the result, the order passed by the Court below stands modified accordingly. There shall be a direction to the Principal District Judge, Erode, to hear and dispose of IA Nos.126, 127 and 128 of 2021 within a period of three weeks from the date of receipt of a copy of this order. In the meantime, the parties shall file their written statements and the main suit that was filed in OS No.223 of 2021 shall be disposed of within a period of nine months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA

To

The Principal District Judge, Erode

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N.ANAND VENKATESH J.

RKA

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