



WEB COPY

CRP No. 2010 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2010 of 2026

and

CMP.No.8937 of 2026

1. J.Prithiviraj
S/o K.Jayapal, Door No 268/83,
Govindagounder Thottam, Permanur,
Salem 636 007

Petitioner(s)

Vs

1. Sabarinath
S/o Late Alagappan @ Amirthalingam,
Door No 1/22, Opposite KAC Spinning
Mill, Vazhapadi, Salem 636115

2.Vinothini
D/o Late Alagappan @ Amirthalingam,
Door No 1/22, KAC Spinning Mill
Opposite, Valapadi, Salem 636115

3.Sasikala
Widow of Late Alagappan @
Amirthalingam, Door No 1/22, KAC
Spinning Mill Opposite, Valapadi,
Salem 636115

4.Kamala
Widow of Late Ponnusamy, Door No
1/22, KAC Spinning Mill Opposite,
Valapadi, Salem 636115

5.Raju
S/o. Late Angamuthu, D.No.241,
Mangiameli Sali, Periya Krishnapuram



Post, Pethanaickenpalayam Taluk,
Salem-115

6.Chitra

D/o. Rasu and Late Lakshmi, W/o.
Senthil, 971/1, Middle Street, Periya
Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

7.Kumaravel

S/o. Rasu and Late Lakshmi, D.No.241,
Mangammal Salai, Periya
Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

8.Venkatesh

S/o. Anbarasan, D.No.253, Mangammal
Salai, Periya Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the docket order dated 02.02.2026 passed by the Learned I Additional District Judge, Salem in the Unnumbered IA No. of 2026 in OS No.716 of 2023 rejecting the application filed by the Petitioner herein under Rule 11 of Order VII of CPC as not maintainable and consequently direct the learned I Additional District Judge, Salem to number the said Application and dispose the same on Merits and pass such other or further orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.P.K.Rajagopal

For Respondent(s):

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the petitioner.



2. The learned counsel for the petitioner would submit that the Original impugned order (Affidavit and Petition in unnumbered IA in 2026 in O.S. No.716 of 2023) has been filed along with the Civil Revision petition. Hence, the Registry may be directed to return the aforesaid document enabling the petitioner to file the same on the file of the Court below.

3. Having considered the aforesaid submissions made by the learned counsel for the petitioner, the paragraph No.3 of the order dated 08.04.2026 is modified as under:

" 3. Considering the same, this Court finds that the reason assigned is justifiable. Therefore, the trial Court is directed to take the unnumbered I.A. No. of 2026 in O.S. No. 716 of 2023 on file and dispose of the same within a period of eight weeks. Liberty is also granted to the defendant to file an application to set aside the ex-parte order before the trial Court, in the manner known to law. Registry is hereby directed to return the Original impugned order (Affidavit and Petition in unnumbered IA in 2026 in O.S. No.716 of 2023 to the petitioner."

4. Registry is directed to issue a fresh order after modifying the paragraph No.3 as stated above.



WEB COPY

CRP No. 2010 of 2



T.V.THAMILSELVI J.

Lbm

5. In other respects, the order dated 08.04.2026 shall remain unaltered.

22-04-2026

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

Issue order copy today (ie.28.04.2026)

CRP No. 2010 of 2026 and CMP.No.8937 of 2026



WEB COPY

CRP No. 2010 of 2



HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 2010 of 2026
and CMP.No.8937 of 2026**

1. J.Prithiviraj
S/o K.Jayapal, Door No 268/83,
Govindagounder Thottam, Permanur,
Salem 636 007

Petitioner(s)

Vs

1. Sabarinath
S/o Late Alagappan @ Amirthalingam,
Door No 1/22, Opposite KAC Spinning
Mill, Vazhapadi, Salem 636115

2.Vinothini



D/o Late Alagappan @ Amirthalingam,
Door No 1/22, KAC Spinning Mill
Opposite, Valapadi, Salem 636115

3.Sasikala

Widow of Late Alagappan @
Amirthalingam, Door No 1/22, KAC
Spinning Mill Opposite, Valapadi,
Salem 636115

4.Kamala

Widow of Late Ponnusamy, Door No
1/22, KAC Spinning Mill Opposite,
Valapadi, Salem 636115

5.Raju

S/o. Late Angamuthu, D.No.241,
Mangiameli Sali, Periya Krishnapuram
Post, Pethanaickenpalayam Taluk,
Salem-115

6.Chitra

D/o. Rasu and Late Lakshmi, W/o.
Senthil, 971/1, Middle Street, Periya
Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

7.Kumaravel

S/o. Rasu and Late Lakshmi, D.No.241,
Mangammal Salai, Periya
Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

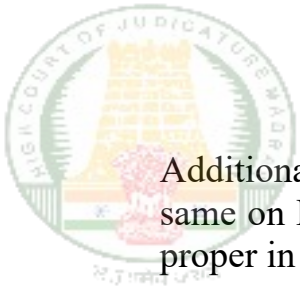
8.Venkatesh

S/o. Anbarasan, D.No.253, Mangammal
Salai, Periya Krishnapuram Post,
Pethanaickenpalayam Taluk, Salem-115

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the docket order dated 02.02.2026 passed by the Learned I Additional District Judge, Salem in the Unnumbered IA No. of 2026 in OS No.716 of 2023 rejecting the application filed by the Petitioner herein under Rule 11 of Order VII of CPC as not maintainable and consequently direct the learned I



Additional District Judge, Salem to number the said Application and dispose the same on Merits and pass such other or further orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

WEB COPY

For Petitioner(s): Mr.P.K.Rajagopal

For Respondent(s):

ORDER

The revision petitioner has filed this revision to set aside the docket order dated 02.02.2026 passed by the Learned I Additional District Judge, Salem in the Unnumbered IA No. of 2026 in OS No.716 of 2023.

2. The learned counsel for the revision petitioner submitted that, though petitioner is a purchaser of the property and has been added as a necessary party to the proceedings as the 7th defendant, he found that the suit, as such, is not maintainable. He filed an application to reject the plaint, but the trial Court was not inclined to take the same on file and returned it on the ground that he is not entitled to file such an application, as he is a purchaser lis pendens. He further submitted that even a purchaser of the property during the pendency of the proceedings is entitled to take all the defences available to the vendor/2nd defendant.

3. Considering the same, this Court finds that the reason assigned is justifiable. Therefore, the trial Court is directed to take the unnumbered I.A. No. of 2026 in O.S. No. 716 of 2023 on file and dispose of the same within a period



of eight weeks. Liberty is also granted to the defendant to file an application to set aside the ex-parte order before the trial Court, in the manner known to law.

WEB COPY

4. Accordingly, this Civil Revision Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

08-04-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri

Note: Issue order copy by 09.04.2026.

To

1. The .I Additional District Judge,
Salem.

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



WEB COPY

CRP No. 2010 of 2





WEB COPY

CRP No. 2010 of 2



T.V.THAMILSELVI J.
rri

CRP No. 2010 of 2026

08-04-2026