

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
18.03.2026PRONOUNCED ON
21.04.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 1797 of 2021
and CMP.No.13694 of 2021

1. K.Sambamoorthy
S/o Late Krishnasamy Chettiyar,
2. R.Santhalakshmi
W/o K.Arumugham
3. B.Ambika
W/o K.Sambamoorthy
4. J.Nivetha
D/o M.Janagaraj

..Petitioner(s)

Vs

V.S.Mathews (died)

1. Lilly Mathews, (died)
W/o Late V.S.Mathews,
2. M.Venkatesh
S/o Mahadevan
3. A.Balan
S/o Aumal Nayagam
4. K.Arumugham
S/o Late Krishnasamy Chettiyar
5. George Joseph
S/o.Joseph
6. Soosan



W/o. George Joseph

Respondent-1 Died. Respondents 5 and 6 are brought on record as LR's of the deceased R-1 Viz. Lilly Mathews vide court order dated.08/03/2024 made in CMP No.3423 of 2022 in CRP No.1797 of 2021.

..Respondent(s)

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order in IA NO.1 of 2020 in OS No.156/2007 on the file of Additional District Munsif - V, Coimbatore.

For Petitioner(s): Mr.N.Krishna Kumar
M/s.Sarvabhauman Associates

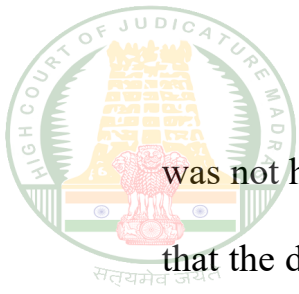
For Respondent(s): RR1 & 2 - Died
RR3 & 4 – No appearance
Mr.K.Govi Ganesan for RR5 & 6

ORDER

The Civil Revision Petition has been filed challenging the order in IA No.1 of 2020 in OS No.156/2007 on the file of Additional District Munsif - V, Coimbatore.

2. Heard Mr.N.Krishna Kumar, learned counsel for M/s.Sarvabhauman Associates on behalf of the petitioners and Mr.K.Govi Ganesan, learned counsel appearing on behalf of the respondents 5 & 6.

3. Mr.N.Krishna Kumar, learned counsel for the Petitioner would submit that the third Respondent, herein, had sold the property, and when possession



was not handed over and time was taken by him, it had come to the knowledge that the deceased plaintiffs being the predecessors-in-interest of Respondents 5 and 6 had earlier filed a suit for declaration of title in respect of the property purchased by them and for a consequential permanent injunction.

3. One of the co-purchasers had filed an application to get himself impleaded and hence, he filed an application to implead them as party defendants in the suit to defend their title to the property. However, the court below, without considering the lawful claim made by the Petitioners, had dismissed the impleading application on wrong appreciation of the facts, and therefore, seek indulgence of this Court.

4. He had also relied upon a judgment of this Court in the case of ***V.L.Dhandapani and Others Vs Revathy Ramachandran and Others*** reported in ***(2014) 4 CTC 814*** and contended that a transferee *pendente lite* can be impleaded in a suit.

5. Countering his argument, the learned counsel appearing for Respondents 5 and 6 would submit that the property belonging to the original plaintiffs was sought to be grabbed under fraudulent documents, and hence they had initiated a suit for declaration of their title as well as a permanent



injunction against them Respondents 2 and 3, having knowledge about the suit and having filed a written statement, the second Respondent had sold the property to the third Respondent and his family members. The third Respondent had filed an application to implead himself and the same also came to be allowed as early as in the year 2013 and the Court had been proceeding with the suit. At that juncture, more than a decade from the date of purchase, and having knowledge that one of the co-owners had already filed an impleading application in the year 2012, without any reasons whatsoever for the delay in approaching the Court had filed the impleading application.

6. He would submit that it is an attempt only to protract the proceedings which were initiated in the year 2007, and that the Petitioners are none other than the henchmen of the first Defendant, who is attempting to usurp the properties based upon fraudulent documents. He would submit that to vex Respondents 5 and 6 from making any claim to the property and grab a property to which they do not have a title in any manner are protracting the suit. For the foregoing reasons, he prays this Court to dismiss the revision.

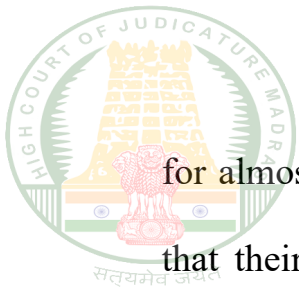
7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



8. It is admitted by the Petitioners that they had jointly purchased the property along with the fourth Respondent from the second Respondent. It is also admitted that the fourth Respondent had impleaded himself as a party Defendant in the suit as early as in the year 2013. It is not disputed that the fourth Respondent is a family member of the Petitioner. No reasons whatsoever have been attributed as to why no steps were taken by them to get themselves impleaded along with the fourth Respondent.

9. The judgment that had been relied upon by the Petitioner cannot be made applicable to the facts of the present case. In the facts of the case, the Division Bench has found that the impleading Petitioner was a bona fide purchaser. In the present case, when it is admitted that one of the co-purchasers had already impleaded himself and the second Petitioner being the wife of the fourth Respondent who had impleaded himself, and the first Petitioner is the brother, have not stated any reasons whatsoever as to why they had kept themselves away by not taking steps to implead themselves when they had purchased the property in the year 2008.

10. A reading of the affidavit filed in support of the application would also indicate that they had knowledge of the pendency of a suit in the year 2011. No reasons have been attributed as to why they had not taken any steps



for almost a decade in filing the application. Hence, this Court is of the view that their attempt to implead themselves is only to protract the proceedings without any just cause and therefore, they are not bona fide in filing the application.

11. For the aforesaid reasons, I do not find any merits in the revision, and accordingly the revision petition stands dismissed. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

21.04.2026

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

GBA

To

1. The Additional District Munsif - V, Coimbatore.
2. The Section Officer,
VR Section,
Madras High Court,
Chennai.



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K.KUMARESH BABU, J.

GBA

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