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CRP.No.3721 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3721 of 2024 and

CMP.No.20220 of 2024

Veeramani

... Petitioner

Vs.

1.Ravi
2.Chennakrishnan
3.Raghunadhaguptha
4.Rajeshwari
5.Varalakshmi
...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the fair and decreetal order dated 25.03.2024 made in I.A.No.5 of 2023 in O.S.No.232 of 2023 on the file of the Additional District and Sessions Judge, Dharmapuri and to allow the Civil Revision Petition.

For Petitioner : Mr.C.Prabakaran

For Respondents : M/s.V.Srimathi for R1&R2
M/s.R.Selvakumar for R3 to R5

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioner seeking his impleadment in O.S.No.232 of 2023. The respondents 1 and 2 are seeking

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specific performance in O.S.No.232 of 2023. The respondents 1 and 2 filed a suit for specific performance against the respondents 3 to 5 in O.S.No.232 of 2023 on the ground that they entered into agreement with the respondents 3 to 5 on 22.09.2020 agreeing to purchase the suit property. The petitioner herein filed an instant application in I.A.No.5 of 2023 seeking his impleadment. According to the petitioner, he entered into registered agreement with respondents 3 to 5 for purchase of certain properties on 07.03.2022 and he filed a suit for specific performance in O.S.No.232 of 2022 on the file of Additional District Court, Dharmapuri and the suit is pending.

2. It is not in dispute that the suit property, which is the subject matter of the agreement in both the suits is owned by respondents 3 to 5. They claim right over the said property under registered settlement deed of the year 2011.

3. It is the specific case of the petitioner that the respondents 1 and 2 colluding with respondents 3 to 5 filed a counter blast suit in O.S.No.232 of 2023 just to defeat the rights of the petitioner in O.S.No.232 of 2022. Since the petitioner is agreement holder under the respondents 3 to 5, vendors of the present plaintiff, the instant application has been filed seeking his impleadment



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as a party. The trial Court by impugned order dismissed the application.

Aggrieved by the same, the petitioners have come before this Court.

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4. The learned counsel appearing for the petitioner would submit that the respondents colluded together and filed a suit in O.S.No.232 of 2023 based on unregistered agreement dated 22.09.2020. The learned counsel further submitted that the sale agreement in favour of the petitioner dated 07.03.2022 is registered document and just to defeat the rights of the petitioner, the respondent created unregistered sale agreement dated 22.09.2020 and laid a subsequent suit. Therefore, his presence is absolutely necessary in the second suit filed by the respondents 1 and 2.

5. The learned counsel appearing for the respondents 1 and 2 would submit that the petitioner is not a party to the sale agreement and in a suit for specific performance, the 3rd party who is not a party to the agreement need not to be impleaded.

6. In support of the said contention, the learned counsel appearing for the respondents 1 and 2 relied on the judgment of the Apex Court in **Kasthuri Vs. Iyyamperumal** reported in **(2005) 6 SCC 733**.



7. The learned counsel appearing for the respondents 3 to 5 would submit that he is contesting both the suits for specific performance filed by the petitioner and respondents 1 and 2.

8. The learned counsel by drawing attention of this Court to the written statement filed by him in O.S.No.232 of 2023 would submit that the agreement in the present suit was created by the present plaintiffs in order to settle the suit in O.S.No.232 of 2022.

9. It is settled law that only parties to the agreement are necessary parties in a suit for specific performance and in normal circumstances a stranger who is not a party to the agreement need not be impleaded. However, in the peculiar circumstances, the petitioner as well as the respondents 1 and 2 claiming themselves as agreement holder under very same persons namely the respondents 3 to 5. The petitioner is claiming under registered sale agreement entered with the respondents 3 to 5 dated 07.03.2022. The respondents 1 and 2 are claiming right under unregistered agreement dated 22.09.2020 entered into with respondents 3 to 5. In other words, the petitioner is not a total 3rd party



and he is an agreement holder under the agreement vendor of the respondents 1 and 2.

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10. In Kasthuri case cited supra, the Apex Court, while considering the petition for impleading in a suit for specific performance observed as follows:

The question of jurisdiction of the Court to invoke Order 1 Rule 10 of the CPC to add a party who is not made a party in the suit by the plaintiff shall not arise unless a party proposed to be added has direct interest in the controversy involved in the suit. Can it be said that the Respondent Nos. 1 and 4 to 11 had any direct interest in the subject-matter of the instant suit for specific performance of the contract for sale? In our view the Respondent Nos. 1 and 4 to 11 had no direct interest in the suit for specific performance because they are not parties to the contract nor do they claim any interest from the parties to the litigation. One more aspect may be considered in this connection. It is that the jurisdiction of the court to add an applicant shall arise only when the Court finds that such applicant is either a necessary party or a proper party.

11. In the above mentioned case law, the impleading application was dismissed mainly on the ground that proposed parties were neither parties to the agreement or persons claiming any interest under the parties to the



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litigation. However, in the case on hand, the petitioner cannot be termed as total stranger to the controversy involved in the suit. He is claiming himself as an agreement holder [under registered agreement] under the agreement vendor in the present suit / respondents 3 to 5. He also pleaded that there is a collusion between the respondents 1 and 2 and the respondents 3 to 5. The respondents 3 to 5 in their written statement pleaded that the present suit agreement was created by the present plaintiff namely the respondents 1 and 2 just to settle the case with the petitioner who filed a suit in O.S.No.232 of 2022. The decision in the present suit [O.S.No.232 of 2023], especially any finding with regard to the genuineness of agreement, will have direct impact on the outcome of suit filed by the petitioners. In the light of the peculiar circumstances of this case, this Court feels that the petitioner is proper party to the litigation and the impugned order passed by the trial Court is set aside and the Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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To

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The Additional District and Sessions Judge,
Dharmapuri.



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S.SOUNTHAR, J.

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