



WEB COPY

CMP No. 22192 of 2024
S.A.No.777 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**CMP No. 22192 of 2024
in S.A.No.777 of 2015**

1. Arukkani
W/o Late K.M.Chinnasamy All Are Res At
D.No. 82-A, Kuditheru
Karattupalayam@Muthanampalayam Village,
Tiruchengode Tk Namakkal
2. K.C.Velmurugan
S/o.K.M.Chinnasamy, D.No.82-A, Kuditheru
Karattupalayam @ Muthanampalayam Village
Tiruchengode Tk, Namakkal Dist.
3. K.C.Palanisamy
S/o.K.M.Chinnasamy, D.No.82-A, Kuditheru
Karattupalayam @ Muthanampalayam Village
Tiruchengode Tk, Namakkal Dist.

..Appellant(s)

Vs

1. V. Rajavel
S/o.M.K.Velu, D.No.1/4-A, Rangasamy Pillai
St, Tiruchengode Town, Tiruchengode Tk,
Namakkal Dist.
2. A.Venkatachalam
S/o.Annamalai, D.No.31-E, Periyakadu,
Annadhanapatti Village, Mavelipalayam Post,
Sankari Tk, Salem Dist.
3. R.Natesan
S/O.A.Ramasamy Door.No.99, 1st Street,
S.V.A.Extension, Thiruchengode Taluk and
Town, Namakkal District 637211

..Respondent(s)



Prayer:

Petition filed under Order I Rule 10(2) of the Civil Procedure Code to implead the 3rd respondent herein as the 3rd respondent in the above Second Appeal

For Petitioner: Mr.D.Shivakumaran

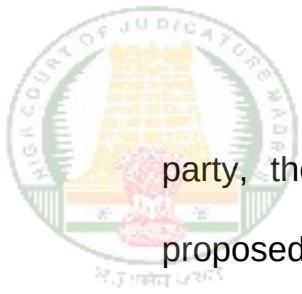
For Respondent(s): Mr.J.Manikandan

ORDER

This Petition has been filed to implead the proposed respondent/ 3rd respondent as 3rd respondent in the Second Appeal.

2. According to the petitioners, they are the appellants in the Second Appeal and during the pendency of the appeal, the proposed party, viz., 3rd respondent purchased the property from the respondents 1 and 2, therefore, he is also the proper and necessary party to the Second Appeal, thereby pleaded to allow the present petition.

3. The learned counsel appearing for the 1st respondent would submit that the proposed party is not a proper and necessary party to the suit and already, the case has been ended in favour of the respondents 1 and 2 and the respondents 1 and 2 are the original owners of the suit property. The proposed party has purchased the property during the pendency of the suit and he is *pendente lite purchaser* and he is bound by Section 52 of the Transfer of Property Act. Further, even without the presence of the proposed



party, the Second Appeal can be disposed of effectively, therefore, the proposed party is neither proper nor necessary party, therefore, the present Petition is liable to be dismissed.

4. Heard the learned counsel appearing on both sides and perused the documents placed on record.

5. It is an admitted fact that the proposed party purchased the property during the pendency of the Second Appeal. In order to get binding decree as against the proposed party/3rd respondent and to avoid multiplicity of proceedings and considering the facts and circumstances involved in this case, it is appropriate to allow the petition. Since the entire property has been transferred by the 2nd respondent in favour of the proposed party during pendency of the Second Appeal, the 3rd respondent / proposed party is a proper and necessary party.

Therefore, this petition is allowed. Registry is directed to carry out amendment and post the case on 09.02.2026

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssd



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P.DHANABAL, J.

ssd

**C.M.P. No. 22192 of 2024
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