



WEB COPY

CRP No. 5588 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 5588 of 2025 and
CMP.No.28050 of 2025**

Anjammal

..Petitioner(s)

Vs

1. Poongothai
2. Arulselvam
3. Balachandar
4. Sengamalai

..Respondent(s)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the Fair and Decreetal orders passed in I.A.No.2 of 2025 in O.S.No.101 of 2022, dated 09.10.2025 on the file of Principal District Judge, Ariyalur District.

For Petitioner(s): M/s.A.Alia Kezia Motha
for Mr.S.Kamadevan

For Respondent(s): M/s.U.Gowthamkumar for R2 & R3
R1-Served-No appearance
Mr.C.Prabakaran for R4

ORDER

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner/plaintiff seeking impleadment of respondents 2 to 4.



2. The petitioner herein filed a suit for specific performance against the first respondent herein. It is the case of the petitioner that pending suit, the respondents 2 to 4 created certain document and claiming right over the suit property. Therefore, the instant application has been filed seeking their impleadment.

3. The trial court dismissed the said application on the ground that the petitioner has not given the details of the document under which the respondents are claiming right over the property.

4. A perusal of the counter filed by the 4th respondent would indicate that he clearly admitted in his counter that he purchased a portion of the agreement mentioned property on 11-12-2024 (i.e., pending suit) from first respondent and her daughters for valuable consideration. Therefore, there is no difficulty in coming to the conclusion that 4th respondent is a *pendente lite* purchaser and therefore, he is a proper party to the suit, as per law laid down by Hon'ble Apex court in ***M/s.J.N.Real Estate Vs Shailendra Pradhan and Others reported in 2025 LL (SC) 519 = 2025 SCC OnLine SC 1015.***

5. As far as the respondents 2 and 3 are concerned, they filed counter denying the validity of the suit sale agreement and the entitlement of the agreement vendor namely deceased Govinthasamy to convey the suit property to the petitioner. Though the respondents 2 and 3 denied the allegations of the petitioner that they created documents pending suit, in the counter filed by



them, they denied the execution of agreement by the petitioner's vendor Govinthasamy and contested the validity of the suit sale agreement. Therefore, it is clear that respondents 2 and 3 are also claiming right over the agreement mentioned property. Though they may not be a necessary party in a suit for specific performance, in view of the prayer sought for in the main suit seeking possession of the property, this Court feels that the respondents 2 and 3, who dispute the very right of the agreement vendor to convey the suit property to the petitioner, are proper party to the litigation. Accordingly, the impugned order passed by the trial court is set aside. The civil revision petition stands allowed. Consequently, the connected miscellaneous petition is closed.

6. It is needless to state that the proposed parties are entitled to file their written statement and raise their independent defence. No costs.

26-02-2026

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

To
The Principal District Judge, Ariyalur District.



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S.SOUNTHAR, J.

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