



C.M.P. No.29119 of 2025 in C.M.A.Sr.No.189422 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.P. No.29119 of 2025
in
C.M.A.Sr.No.189422 of 2025

M/s. Olitec Solar Private Limited,
Represented by its Authorised Signatory
Mr. Muralidoss
No.5/63, Door No.103, 1st Floor
Gateway House, House of Hiranandhani,
Rajiv Gandhi Salai, Egattur Village,
Navalur, Thiruporur, Chennai 600 130.

... Petitioner

Vs.

1. Babu
2. Malliga
3. Devi
4. K. Dinakaran
5. K. Saravanan
6. Subbulakshmi
7. Minor Nethrasree
8. Minor Darshan



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Minors are represented by their next friend/natural guardian

Mother Mrs. Subbulakshmi.

9. B. Ganesh

.... Respondents

PRAYER

Praying to grant leave to the appellant to prefer CMA against the impugned common order dated 10.11.2025 passed in I.A. No.4 of 2025 in O.S. No.307 of 2024 on the file of the I Additional District and Sessions Court, Thiruvallur.

For Petitioner : Mr. Umashankar
for Mr. G. Mohana Krishnan

For Respondents : Mr. K. Balaji for R1 to R8
Mr. N. Nagusah for R9

ORDER

C.M.P.No.29119/25 is preferred by the appellant/petitioner to grant leave to the appellant to prefer C.M.A against the impugned common order dated 10.11.2025 passed in I.A. No.4/2025 in O.S. No.307/2024 on the file of the I Additional District and Sessions Court, Tiruvallur.

2. The case of the appellant/petitioner is that he is a third party to the suit in O.S. No.307/2024. The respondents 1 to 8 are the plaintiffs in the



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above suit. The 9th respondent was arrayed as defendant No.1 in the above suit. The respondents 1 to 8, as plaintiffs, have filed the above suit against the 9th respondent for return of the earnest money of Rs.1,20,00,000/- along with the relief of permanent injunction restraining the 9th respondent from encumbering the suit properties. The 9th respondent has filed the written statement on 10.02.2025. While so, on 17.07.2025, the 9th respondent has sold the suit properties to the appellant herein vide Document Nos. 2458 and 2459 of 2025 respectively. The Petitioner/ appellant further submits that, after knowing that the subject property has been sold to the appellant herein by the 9th respondent, the respondents 1 to 8 have filed an interlocutory application in I.A. No.4/2025 seeking interim injunction in respect of the subject property without adding the petitioner/ appellant in the aforesaid petition. However, the trial court, allowed the said application even after detailed counter was filed by the 9th respondent. While allowing the said application, the trial court failed to issue notice to the petitioner/ appellant, being a subsequent purchaser of the suit property. In spite of the sale deed executed in favour of the petitioner/ appellant in the month of July 2025, the respondents 1 to 8 have filed the above interim application in the month of September 2025 by suppressing the sale in favour of the petitioner/appellant and obtained the interim injunction as



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against the 9th respondent as well as the petitioner / appellant being the subsequent purchaser of the suit property. The trial court has directed the respondents 1 to 9 and the petitioner / appellant to maintain status quo. Assailing the said order, the petitioner / appellant has filed this petition seeking leave to prefer Civil Miscellaneous Appeal against the impugned order dated 10.11.2025 passed in I.A. No.4 of 2025 in O.S. No.307 of 2024.

3. The claim of the petitioner/appellant is resisted by the respondents 1 to 8 by filing a counter, in which it is stated that the present petition is filed solely with an intention to defeat the lawful claim made by the respondents 1 to 8 in the suit and to indirectly protect the fraudulent conduct of the 1st defendant/ 9th respondent herein. It is further stated that the petitioner/ appellant is a “pendente lite” purchaser having purchased the property long after the transaction between the respondents 1 to 8 and the 9th respondent. It is further submitted that on 05.12.2013, the 5th respondent, namely K. Saravanan and Late P.Kumar entered into a written sale agreement with the 1st defendant / 9th respondent in respect of 47.22 acres of land. Under the said agreement, a sum of Rs.1,20,00,000/- was paid to the 1st defendant as advance and after receiving the said huge sum, the 1st defendant /9th respondent promised to



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complete the layout formalities and execute sale deeds. Based on this assurance, the respondents 1 to 8 formed a layout named “Vignesh Nagar” in the year 2013, developed roads, levelled the land and the 1st defendant / 9th respondent executed a sale deed in respect of Plot No.5 in favour of the 5th respondent on 24.12.2013. The 1st defendant / 9th respondent failed to execute the sale deeds, instead issued a cheque dated 15.06.2016 for the entire amount of Rs.1,20,00,000/- as acknowledgment of liability. However, the said cheque was dishonoured and therefore, the respondents 1 to 8 were constrained to lodge a criminal complaint against him. Based on the said complaint, an FIR was registered. The respondents 1 to 8 issued a legal notice on 06.12.2023 and thereafter, filed a suit in O.S. No.307/2024 seeking for appropriate reliefs. Pending suit, the 1st defendant / 9th respondent executed two sale deeds in favour of the present petitioner / appellant on 17.07.2025. Under these circumstances, the trial Court passed an order of status quo on 10.11.2025 after examining the materials on record. It is submitted that the petitioner/ appellant has purchased the property in the year 2025, long after having knowledge of the written agreement in the year 2013 and about the payment of advance amount of Rs.1,20,00,000/- and about pending of the civil suit. Hence, the petitioner/ appellant cannot claim to be a bonafide purchaser,



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because, the entire dispute was already became public and recorded in Government proceedings. It is submitted that a purchaser during litigation automatically takes the risk that his title is subject to the outcome of the pending proceedings. Hence the petitioner has no independent right to seek modification of a judicial order passed before his purchase. Hence prayed for dismissal of the above Civil Miscellaneous Petition filed by the petitioner/appellant.

4. Heard on both sides. Records perused.

5. The respondents 1 to 8, as plaintiffs, have filed the above suit for the following reliefs:

- (i) To direct the defendant to return the earnest money of a sum of Rs.1,20,00,000/- paid on 05.12.2013 under the agreement of sale with 12% interest from the date of plaint and up to to date of realization.
- (ii) For permanent injunction restraining the 1st defendant, his men, agents or subordinates in any manner creating encumbrance or alienation over the suit schedule mentioned properties.



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(iii) For the cost of the suit,

(iv) For such other relief as the court deems fit in the circumstances of the case.

6. The 9th respondent/1st defendant has filed an Interlocutory Application in I.A. No.3/2025 under Order VII Rule 11 of CPC to reject the plaint in O.S. No.307/2024. While so, the respondents 1 to 8/ plaintiffs have filed an interim application in I.A. No.4/2025 seeking for the relief of Ad-interim injunction restraining the defendants from creating any encumbrance or altering the physical features in the suit property till the disposal of the suit. The trial Court has dismissed the petition in I.A. No.3/2025 filed for rejection of the plaint and in I.A. No.4/2025 filed by the plaintiffs 1 to 8 seeking the relief of ad-interim injunction, directed the plaintiffs and the 1st defendant and the subsequent purchasers to maintain status quo in respect of the suit properties till the disposal of the suit.

7. The contention of the petitioner/ appellant is that, the above said order passed by the trial Court is liable to be set-aside on the ground that the said order has gravely prejudiced the petitioner/ appellant company to



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irreparable economical loss and hardship. It is submitted that the petitioner/appellant company has purchased the properties from the 1st defendant for a huge consideration of Rs.7,79,13,000/-, consisting of several plots. The petitioner/ appellant company is in absolute possession and enjoyment of the above properties without any interference. While so, the respondents/plaintiffs attempted to purchase the larger extent of 47 acres of land from the 1st defendant during the year 2013. The said attempt was failed. Thereafter, the petitioner/ appellant company purchased a total extent of 47.22 acres on 17.07.2025 through registered sale deeds. Aggrieved by this, the respondents/ plaintiffs have come out with the present vexatious suit by suppressing material facts. The existence of any easementary rights or a common road as alleged in the plaint was not mentioned in their title deeds. The plaintiffs failed to file documents to establish that they have paid an advance of Rs.1,20,00,000/- to the 1st defendant. Moreover, any unregistered agreement to sell is not a deed of conveyance and the same falls short of the requirements of Section 54 and 55 of the Transfer of Property Act, and will not confer any title, transfer or even a charge of any interest in an immovable property. It is further submitted that respondents/ plaintiffs frequently trespassed on the petitioner's property, threatened and physically assaulted



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many of the staffs of the petitioner/ appellant company to restrain them from carrying on their work for which police protection was sought before this Court and the same was ordered. For the above narrated events, the petitioner/ appellant Company, being a subsequent purchaser, prays for allowing the said application.

8. Admittedly, the petitioner/ appellant Company is not a party to the aforesaid suit. It is also not in dispute that the petitioner/ appellant Company has purchased properties from the 1st defendant. A subsequent purchaser affected by a trial court's interim order may seek leave to appeal by proving the order directly injures his rights, even if bound by lis pendence. The Court may grant leave to challenge the order if the petitioner demonstrates a direct , non remote interest in the subject matter. Therefore, without giving an opportunity of being heard to the petitioner / appellant, is in violation of the principles of natural justice. The petitioner/ appellant Company, even being a subsequent purchaser must be heard in order to avoid multiplicity of proceedings. Hence, leave is granted to the petitioner/ appellant Company to prefer C.M.A against impugned common Order dated 10.11.2025 passed in I.A. No.4/2025 in O.S. No.307/2024 on the file of the I-Additional District and



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Sessions Court, Tiruvallur. Accordingly, This Civil Miscellaneous Petition is

ordered. The Registry is directed to number the Civil Miscellaneous Appeal, if it is otherwise in order and list the same in usual course.

03.02.2026

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To

1. The I Additional District and Sessions Court, Thiruvallur.
2. The Section Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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