



C.R.P.No.277 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.277 of 2026
and
C.M.P.No.1394 of 2026

1.S.K.Sivakumar

2.C.K.Sampath Kumar

... Petitioners

VS.

K.Ganesamoorthi

Komarasamy Gounder (Died)

Chellammal (Died)

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 28.07.2025 made in I.A.No.827 of 2024 in O.S.No.156 of 2015 on the file of the Subordinate Court, Avinashi, Tiruppur District.

For Petitioners : Mr.S.Thangavel
for M/s.M.Sidhardhan



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Subordinate Court, Avinashi, Tiruppur District in I.A.No.827 of 2024 in O.S.No.156 of 2015, dated 28.07.2025 allowing the application filed by the respondent/plaintiff seeking to implead the petitioners herein as party defendants in the suit.

2. The respondent herein filed a suit for recovery of advance amount paid under the Unregistered Sale Agreement dated 19.09.2011 entered with Komarasamy Gounder. Pending suit, the Komarasamy Gounder died and his wife-Chellammal was brought on record as 2nd defendant. The said Chellammal was also died in the year 2024. It is the case of the respondent that Komarasamy Gounder executed a Settlement Deed dated 21.11.2011 in respect of portion of the agreement mentioned property in favour of his wife-Chellammal. The petitioners herein purchased a portion of the property settled in favour of Chellammal on 04.03.2016 pending suit. Now, the said Chellammal also died. Hence, the purchaser of the property from Chellammal namely the petitioners sought their impleadment by filing an application. The said impleading application was ordered by the Trial Court. Aggrieved by the same, the petitioners have come before this Court.



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3. The learned counsel appearing for the petitioners would submit that Chellammal was not party to the suit when petitioners purchased the suit property and therefore, the petitioners are *bona fide* purchaser. In such circumstances, the Trial Court ought not have allowed the impleading application.

4. It is not in dispute the petitioners purchased the property from Chellammal in the year 2016 when the suit was pending. Whether the petitioners were *bona fide* purchasers or not is a question to be decided by the Trial Court at the time of final disposal of the suit in the presence of the petitioners. Therefore, nothing wrong in allowing the impleading application filed by the respondent.

5. The petitioners are entitled to file written statement raising all the defences available to them in law and all the defences raised by the petitioners shall be considered by the Trial Court on its own merits at the time of final disposal of the suit.



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6. With this clarification, the Civil Revision Petition is dismissed by confirming the impugned order passed by the Trial Court.

7. Taking into consideration the suit is only for recovery of money and the same was filed in the year 2015, this Court is inclined to direct the Subordinate Court, Avinashi, Tiruppur District to dispose of the suit in O.S.No.156 of 2015 as expeditiously as possible. No costs. Consequently, the connected civil miscellaneous petition is closed.

23.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Subordinate Court,
Avinashi, Tiruppur District.



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S.SOUNTHAR, J.

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