



C.R.P. (MD) No. 411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.01.2026**

C O R A M

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P. (MD) No. 411 of 2024

and

C.M.P. (MD) No. 2049 of 2024

1.Jannath Arifa

2.Minor Abdul Rahman

3.Minor Shameena Begum

(2nd and 3rd Petitioners are represented through their mother, 1st Petitioner)

4.S.Thameen Ansaari

... Petitioners

Vs.

1.Palanisamy

2.Susaiammal

3.Vimalamarri

4.Sahayaraj

5.Rethinam

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 10.11.2023 passed in I.A. No. 01 of 2022 in O.S. No. 58 of 2022 on the file of the Sub Court, Manaparai, Trichy District and allow this civil revision petition.

1/4



C.R.P. (MD) No. 411 of 2024

For Petitioners : Mr. V.Meenakshmi Sundaram
For Respondents : Mr. S.Karthik (R1)
No appearance (R2 & R5)
Service awaited (R3 & R4)

ORDER

The Plaintiff in O.S. No. 58 of 2022 filed for specific performance against the First and Second Defendants has filed I.A. No. 1 of 2022 to implead the subsequent purchasers, namely, Sahayaraj, Rethinam, Jannath Arifa along with her legal heirs, Thameen Ansaari after filing of the suit. I.A. No. 1 of 2022 was allowed impleading the subsequent purchasers as the Defendants in the suit. Challenging the same, Jannath Arifa along with her legal heirs and Thameen Ansaari filed this Civil Revision Petition.

2. Heard Mr. V.Meenakshmi Sundaram, Learned Counsel appearing for the Petitioners and Mr. Mr. S.Karthik, Learned Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties. Since no adverse order is going to be passed against the unserved respondents, notice to them is dispensed with.



C.R.P. (MD) No. 411 of 2024

3. It is a settled position of law that in terms of Section 52 of the Transfer of Property Act, 1882, sale of property after filing of the suit without transfer of property is subject to the result of the suit and it cannot prejudice to the rights of the Plaintiff.

4. In that backdrop, when the Plaintiff / First Respondent himself has impleaded the subsequent purchasers and the sale is also not disputed, this Court does not find any reason to interfere with the impugned order. As the subsequent purchasers cannot claim any better right than their vendors, they must be heard. Hence, the Civil Revision Petition is devoid of merits and the same is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

21.01.2026

Index : Yes/No

NCC : Yes/No

Index : Yes/No

Indu

TO:

1.The Sub Court, Manaparai, Trichy District.



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C.R.P. (MD) No. 411 of 2024

N.SENTHILKUMAR, J.

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C. R. P. (MD) No. 411 of 2024

21.01.2026