



C.R.P.(MD)No.806 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.03.2026**

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD)No.806 of 2026 &
C.M.P.(MD)No.3742 of 2026

Ramachandran Nair

...Petitioner

VS.

1.Susheela
2.Sampath
3.Santhiya
4.Ignecious

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 27.01.2026, passed by the Subordinate Court, Kuzhithurai, in I.A.No.1 of 2024 in O.S.No. 124 of 2022 by allowing this Civil Revision Petition.

For Petitioner : Mr.M.Dennis Joe
for Mr.S.Sivakumar

ORDER

The plaintiff is the civil revision petitioner. He presented O.S.No. 124 of 2022 on the file of the learned Subordinate Judge at Kuzhithurai



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seeking recovery of money against the wife and children of one Ganapathy.

2. For the sake of convenience, the parties shall be referred to as per their ranks in the plaint.

3. The plaintiff's case is that on 07.09.2020, the said Ganapathy had received a sum of Rs.3,00,000/- from him and had executed a demand promissory note. Unfortunately, Ganapathy passed away on 15.12.2020, leaving behind defendants 1 to 3 as the legal heirs. It is the plea of the plaintiff that, as the defendants have succeeded to the estate of Ganapathy, they are answerable to the debts incurred by Ganapathy during his lifetime.

4. Summons were served on the parties.

5. Thereafter, the plaintiff took out an application in I.A.No.1 of 2024 to implead a third party, namely, Mr.Ignecious, who is said to have purchased the property from the original defendants by way of registered



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Document No.1063 of 2023, dated 02.03.2023. The plaintiff pleaded that, unless and until Mr.Ignecious is impleaded as a party, he would be put to serious loss and prejudice.

6. The learned trial Judge, after the receipt of the counter from the respondents, proceeded to dismiss the petition holding that, the purchaser of a property is neither a proper nor a necessary party to the proceedings. He left it open to the plaintiff to proceed against the schedule mentioned property in execution, in the event of a decree being passed in his favor. Aggrieved by the same, the present revision.

7. I heard Mr.Dennis Joe representing Mr.S.Sivakumar for the Civil Revision Petitioner. Mr.Joe urged that, as the alienation of the property has been made pending the litigation, the purchaser is a proper and necessary party to the suit. He urged that the learned trial Judge has misdirected himself in dismissing the said petition.

8. I have carefully considered the submissions of Mr.Joe. I have gone through the records.



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9. The suit is for recovery of money. The issue that the Court has to decide is whether the borrowing by the deceased Ganapathy is binding on his legal heirs and if so, whether they are answerable to the claim made by the plaintiff. Mr.Joe was fair to state that pending the suit, the property purchased by Mr.Ignecious, has not been attached.

10. A necessary party is one without whose presence the Court cannot effectively adjudicate the matter in issue. A proper party is one who will assist the Court in arriving at a just conclusion. In a money suit initiated against the legal heirs of the deceased borrower, a purchaser of the property is neither a proper nor a necessary party. A Court can pass a decree even in his absence. In case, the plaintiff succeeds in obtaining a decree and proceeds with attachment, if the same is opposed by Mr.Ignecious, at that stage, perhaps, he would be a necessary party. Prior to the decree, his presence is absolutely unessential. It will only muddy the waters which are otherwise clear. It is taking note into these aspects, the learned trial Judge has granted liberty to the petitioner / plaintiff to proceed against the property at the time of execution, in the event of his succeeding, in the suit.



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11. In the light of the above discussions. I do not find any merits in the case. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

24.03.2026

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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V.LAKSHMINARAYANAN, J.

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