

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2026

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1664 of 2026
and C.M.P(MD).No.8040 of 2026**

1.K.Vidhyasankar
2.K.G.Venkatraman
3.K.S.Ganesh
4.K.R.Sriram

...Petitioners

Vs

1.Sundrambal
2.K.C.Krishnan
3.Soundarajajan
4.A.Balamurugan
5.Soundarajan
6.The Joint Sub-Registrarar -I
Joint Sub-Registrar-I Office,
Palani,
Dindigul District.

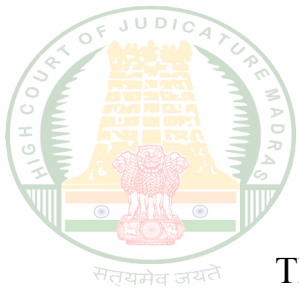
7.K.R.Sundaram
(The 7th Respondent is exonerated)

8.Munneswaran
9.C.Ramasundaram
10.S.Ganambal

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.14 of 2024 in O.S.No.80 of 2018 dated 27.02.2026 on the file of the District Munsif Court, Palani, allow the above civil revision petition.

For Petitioner	: Mr.S.Kumar
For R6	: Mr.L.Siva
	Government Advocate (Civil)



ORDER

The civil revision petition is filed challenging the order passed by the trial Court allowing the application filed by the first respondent seeking her impleadment as a party defendant in the suit.

2.The petitioners herein filed a suit seeking for declaration that sale agreement dated 20.11.2017 entered among the defendants 1 to 4 was not valid and binding on the plaintiffs; permanent injunction restraining the defendants 1 to 4 from encumbering or alienating the suit property; permanent injunction restraining the defendants 1 to 4 from interfering with petitioners' peaceful possession and enjoyment of the suit property.

3.The first respondent/ impleading petitioner filed an interlocutory application seeking to implead herself as a party to the suit mainly on the ground that she purchased the suit property vide registered documents dated 09.03.1981, 20.03.1981, 03.04.1981 and 10.04.1981. It was also stated that a subsequent to the purchase mutation had been effected in her favour and that the revenue records had been mutated accordingly. It was also stated that the plaintiffs and defendants had colluded with each other to encroach upon the suit property. It was further stated by the impleading petitioner that she had already instituted a suit in O.S.No.285 of 2024 on the file of the Principal



District Court, Dindigul, seeking declaration of her title and for possession against the petitioners /plaintiffs, the respondents 2 to 5 / defendants 1 to 4 and others. Since she acquired knowledge about the suit filed by the petitioners against other respondents, the instant application has been filed seeking her impleadment.

4.The Trial Court, on enquiry, allowed the impleading application on the ground that the proposed party is a proper party to the suit. Aggrieved by the same, the petitioners have come before this Court.

5.The learned counsel appearing for the petitioners would submit that the present suit had been filed regarding the validity of the sale agreement entered into among defendants 1 to 4. Therefore, the presence of proposed party is not at all necessary. It is his submission that the claim of right and title put forth by the proposed party is alien to the issue involved in the suit. Therefore, according to him, the Trial Court has committed error in allowing the impleading application. He also relied on the decision of the Hon'ble Apex Court in the case of *Kasturi Vs Iyyamperumal and others*, reported in *AIR 2005 SC 2813*.



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6. It is seen from the pleadings of the petitioners/plaintiffs that they are asserting title over the suit property and only on the ground of their title over the suit property, they are seeking a declaration that sale agreement entered into among defendants 1 to 4 was null and void. Therefore, in order to get the declaratory relief sought for in the present suit, the plaintiffs have to necessarily establish their title over the suit property. The proposed impleading party also claims right and title over the suit property on the strength of four sale deeds executed in her favour. She had already instituted a suit for declaration of title and consequential relief of possession against the present plaintiffs and defendants and the said suit is pending. Thus, it is manifestly clear that there is a serious title dispute between the petitioners /plaintiffs and the proposed party. In such circumstances, though the proposed party is not a necessary party to decide the present suit, she is undoubtedly a proper party for the effective and comprehensive adjudication of the issues involved. As noticed earlier, the plaintiffs are required to establish their title to the suit property in order to obtain the declaratory relief sought for. When the plaintiffs' title is seriously disputed by the proposed impleading party on the strength of registered sale deeds, the question of title can be effectively and completely adjudicated only in her presence. Hence, the Trial Court rightly came to the conclusion that the proposed impleading party is a proper party to the proceedings and ordered her impleadment.



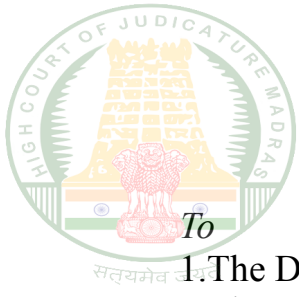
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7. In *Kasturi's case* cited by the learned counsel for the petitioners, the suit was filed for specific performance and the Hon'ble Apex Court said a person, who is not a party to the agreement, need not be impleaded in the said suit. In the case on hand, the suit is not concerning enforcement of the sale agreement between the parties to the agreement. The plaintiffs seek declaration that sale agreement entered among the defendants 1 to 4 was not valid. The said prayer was sought for based on the strength of the title of the plaintiffs. In such circumstances, necessarily the Court has to go into the title of the plaintiffs. Therefore, the law laid down in the above mentioned case is not applicable to the facts of the present case, where the Court has to decide the title of the plaintiffs in order to grant the declaratory relief sought for by them.

8. I do not find any irregularity or illegality in the order passed by the Trial Court and accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

30-06-2026

NCC : Yes/No
Index : Yes/No
Rmk



To

1. The District Munsif, Palani.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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