



C.R.P.(MD)No.2938 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(MD)No.2938 of 2025
and
C.M.P.(MD)Nos.16758 of 2025
and
C.M.P.(MD)No.608 of 2026**

Maruthupandian

.. Petitioner

vs.

1.Kottaisamy

2.Srinivasagam

Seenithai (Died)

3.M/s.R.V.Logiefix Pvt. Ltd.,
Represented by Babu,
S/o. Ramanujam,
No.6, Kamatchi Street,
Lakshmi Ammal Nagar,
Elukkamcherry,
Chennai - 600 118.

4.M/s.Thirupur Busywind Park Energy (P) Ltd.,
Krishna Street, Thiyagaraya Nagar,
Chennai, its authorized Signatory,
S.Arumugam.

5.M/s.G.V.R.Textile (P) Ltd.,
Represented by Thiyagarajan,
S/o.Sri Ramasamy Naidu,
No.84, Vinayagar Koil Street,



C.R.P.(MD)No.2938 of 2025

Sivananda Colony,
Coimbatore -12.

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Muthiahsamy (Died)

6.Rajeswari

7.Joseph

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.8 of 2025 in I.A.No.7 of 2024 in O.S.No.99 of 2015 on the file of the I Additional District Judge, Tirunelveli, Tirunelveli District, dated 25.06.2025, and allow the Civil Revision Petition.

For Petitioner : Mr.S.Srinivasa Raghavan,
For Mr.A.Prasanna Rajadurai.

For Respondents : Mr.H.Lakshmi Shankar,
For Ms.J.R.Annie Abinaya for R1 & R2.
Mr.A.John Vincent for R7.
No appearance for R3 & R5

ORDER

This Civil Revision Petition arises against the order passed by the learned I Additional District Judge, Tirunelveli in I.A.No.8 of 2025, in I.A.No.7 of 2024 in O.S.No.99 of 2015 dated 25.06.2025. By that order, the learned I Additional District Judge dismissed the application filed by the Civil Revision Petitioner seeking to implead himself as 8th respondent in I.A.No.7 of 2024.



C.R.P.(MD)No.2938 of 2025

2.O.S.No.99 of 2015 is a suit for partition and separate possession filed by the first and second respondents herein. The said suit came to be decreed by way of a judgement and decree of the learned I Additional District Court, Tirunelveli on 20.06.2022. In terms of the decree passed by the Court, the learned Trial Judge granted 2/3rd share to the plaintiffs in suit item Nos.1 to 55 of the first schedule and in item Nos.1 to 31 in the second schedule and 4/7th share to the plaintiffs in item Nos.32 to 44 in the second schedule. It is not in dispute that the preliminary decree has become final.

3.After the preliminary decree had been passed, the Civil Revision Petitioner purchased Survey No.206/1 and 206/2 of Tirumangalakurichi Village, Kovilpatti Taluk, Thoothukudi District. The sale is evidenced by way of a registered sale document in No.3887 of 2022, dated 28.10.2022. The purchase was made from a sharer of the suit property. This makes the Civil Revision Petitioner a *lis pendens* purchaser.

4.The petitioner / 3rd party moved an application in I.A.No.8 of 2024 to implead himself as a party to the suit. Curiously enough, he



C.R.P.(MD)No.2938 of 2025

also took a plea that he is a bonafide purchaser for value without due notice of the suit. Though several pleas questioning the preliminary decree was raised by the Civil Revision Petitioner, they are as untenable, as his plea of being a bonafide purchaser. This application was opposed by the plaintiffs stating that the purchaser of the property had not noticed that his vendor had not filed an appeal against the preliminary decree. They pleaded that the petitioner, being a *lis pendens* purchaser and having purchased the property post the preliminary decree with the knowledge of the suit, is not entitled to be impleaded. The learned I Additional District Judge concluded that, as the petitioner is a subsequent purchaser of the property, he is entitled to the share of his vendor. At the same time, he held that, if the petitioner is impleaded in the final decree proceedings, he cannot get any share in the property, as no share has been allotted to him in the preliminary decree. Having come to this contradictory conclusion, he dismissed the petition. Aggrieved by the same, the present Revision.

5.I heard Mr.Srinivasa Raghavan for Mr.A.Prasanna Rajadurai for the petitioner, Mr.H.Lakshmi Shankar for Ms.J.R.Annie Abinaya for the respondents 1 and 2 and Mr.A.John Vincent for the seventh respondent.



C.R.P.(MD)No.2938 of 2025

6.Mr.Srinivasa Raghavan fairly submitted that, the petitioner being a purchaser of a property *pendente lite* post the preliminary decree, he is not entitled to challenge the preliminary decree. Mr.Lakshmi Shankar states that the Trial Court was constraint to give the finding that it did, on account of the fact that the petitioner herein had challenged the preliminary decree before the Court below.

7.Whatever might have been the pleas of the petitioner, the Trial Court ought not to have arrived at the conclusion that it has. It is for the following reasons:-

“1.Admittedly the vendor of the Civil Revision Petitioner is a sharer, who has been allotted a share in the preliminary decree.

2.A sharer is entitled to alienate his property at anytime before or after the suit.

3.The purchaser from a sharer, pendente lite, is entitled to come on record in the proceedings and plead equity before the Court. He can seek the Court to allot the property that he has purchased to the share of his vendor and thereby, convert a title which is in jeopardy into absolute title.”



C.R.P.(MD)No.2938 of 2025

8. Instead of following these settled principles of law, the learned Trial Judge held that the petitioner is not entitled for a share since no share has been declared in the preliminary decree. I find this finding extremely flummoxing.

9. Admittedly, the petitioner had purchased the property after the preliminary decree. The preliminary decree Court is not a soothsayer, to predict to whom and when the suit property will be sold, in order to pass a preliminary decree, in favour of a person who has not even purchased the property at the time of passing the preliminary decree. Having come to the correct conclusion that a subsequent purchaser is entitled to the share of his vendor, the learned Trial Judge erred in dismissing the application. To add insult to the injury, both the parties have increased the docket of the Court by filing two further suits in O.S.No.156 of 2023 on the file of the learned District Munif, Kovilpatti and O.S.No.36 of 2024 on the file of the very same Court.

10. Both Mr. Srinivasa Raghavan as well as Mr. H. Lakshmi Shankar state the suits initiated by their respective parties will be withdrawn on the next date of hearing. Their statement is recorded. A



C.R.P.(MD)No.2938 of 2025

copy of this order shall be sent to the learned District Munsif at Kovilpatti to enable the learned Judge to permit the plaintiffs in the respective suits to withdraw the same.

11.In the light of the above discussion, the order passed by the learned I Additional District Judge, Tirunelveli in I.A.No.8 of 2025 in I.A.No.7 of 2024 in O.S.No.99 of 2015, dated 25.06.2025 is set aside. I.A.No.8 of 2025 will stand allowed. The Civil Revision Petitioner will be impleaded as the eighth respondent to the final decree application. It will be open to the eighth respondent to seek for equity and ask the Court to allot the property purchased by him to his vendor so that he can get absolute title. This Court is not giving any direction to the I Additional District Judge, Tirunelveli to make such allotment. It is for that Court to decide the allotment, as per the report of the Advocate Commissioner.

12.This Civil Revision Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

11.03.2026

Index :Yes / No
Internet : Yes / No
NCC :Yes / No
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C.R.P.(MD)No.2938 of 2025

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To:

- 1.The I Additional District Court,
Tirunelveli.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The District Munsif Court,
Kovilpatti.



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C.R.P.(MD)No.2938 of 2025



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C.R.P.(MD)No.2938 of 2025

V.LAKSHMINARAYANAN, J.
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C.R.P.(MD)No.2938 of 2025

11.03.2026