

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

**Present: Selvi. T. Naveena B.com, LL.B. (Hons.),
District Munsif,
Kumarapalayam.**

Thursday the 11th day of June 2026

I.A.NO:3/2023

IN

I.A.NO:02/2022

IN

O.S.NO:193/2020

K.K.Venkatesan

...

Petitioner/3rd Party

/Vs/

1. K.Karthick

2. A.Chandrakumar

3. S.J.Rajkumar

4. B.S.Surendaran

...

Respondents/Defendants

5. C.Sukumar

...

Respondent/Plaintiff

This petition came for final hearing before this court on 04.06.2026 in the presence of Thiru. S.Duraisamy, Advocate for the Petitioner/3rd party and Thiru. S.Kannan, Advocate for the 1st Respondent/1st Defendant and Thiru. P.Shanmugam, Advocate for the 4th Respondent/4th Defendant and Thiru S.Elango, Advocate for the 5th Respondent/Plaintiff and the Respondents 2,3/Defendants 2,3 were set exparte and upon perusal of material records and having stood over for consideration till this date, this court delivers the following:

ORDERS

This petition has been filed under Order I Rule 10 of Code of Civil Procedure.

1. BRIEF FACTS OF THE PETITION WOULD RUN AS FOLLOWS:

The petitioner is a third party to the above suit. The petitioner has purchased the share of the 3rd respondent/3rd defendant through Sale deed dated 10.09.2022 in Doc No:7739/2022 on the file of Sub-registrar of Kumarapalayam. The petitioner had also taken possession of the said property from the 3rd respondent/3rd defendant and is in direct and actual possession and enjoyment of the said property. The petitioner had stepped into the shoes of the 3rd defendant in I.A.No:2/2022.

The 5th respondent/plaintiff had filed the above suit denying the title to the vendor of the petitioner herein i.e., the 3rd respondent. Therefore, the title, right and possession of the petitioner is also involved in the above suit and I.A.No:2/2022. Hence, the petitioner is a necessary party and proper party to the suit and I.A.No:2/2022, since the 3rd respondent had sold all his rights, title and possession in the suit property to the petitioner. Hence, the petitioner prayed the court to implead the petitioner as a party to I.A.No:2/2022 since the vendor of the petitioner namely the 3rd respondent herein is the 2nd petitioner is the said I.A.No:2/2022. Therefore, the petitioner prayed to allow the present petition.

2. BRIEF FACTS OF THE COUNTER STATEMENT FILED BY THE 1ST RESPONDENT WOULD RUN AS FOLLOWS:

The 1st respondent denied the allegations made by the petitioner except those admitted as true. The petitioner, who is a subsequent/Lis pendens purchaser with a motive to create documents and complicate the issues involved. The 3rd respondent and the petitioner herein have collusively created the Sale deed, where there is no

right, title and interest over the suit property. The petitioner is a Lis pendens purchaser and not a Bonafide purchaser. The petitioner is bound by the outcome of the suit. The petitioner cannot be successful, since he had purchased the property pendente lite. Further, the petitioner is not a necessary party to this suit and has to be dismissed in limine. Hence, the 1st respondent prayed to dismiss the petition.

3. The respondents 2 to 4 have been set exparte, due to failure in filing their counter statement. The 5th respondent has filed a memo stating to have no counter statement in this petition.

4. **ISSUES:** Whether or not the petitioner be added as the 2nd defendant to the above suit?

5. **DISCUSSION:**

Heard. Records perused. The above suit has been filed by the 1st respondent for the relief of declaration that the Decree dated 24.12.2015 passed in O.S.No:299/2015 registered as Doc No:2686/2016 is null and void and not binding upon the 1st respondent and for the relief of permanent injunction. The petition in I.A.No:2/2022 has been filed by the respondents 1 and 3 herein against the 1st respondent for rejection of plaint. The present petition has been filed by the petitioner to implead him as a party to the said I.A.No:2/2022, since he had purchased the property belonging to the 3rd respondent via Sale deed dated 10.09.2022.

The contention of the petitioner is that the petitioner had purchased the entire property from the 3rd respondent and that the petitioner is a necessary party and a proper party to the above I.A.No:2/2022, which has been filed by the 3rd respondent herein. The contention of the 1st respondent is that the petitioner is a purchaser

pendente lite and that he is bound by the outcome of the suit and has denied the petitioner to be a necessary party to the suit.

From the perusal of records, this court observes that the 3rd respondent herein had filed the petition in I.A.No:2/2022 along with the 1st respondent to reject the plaint in the above suit and that the 3rd respondent had sold his property to the petitioner herein through the Sale deed dated 10.09.2022 i.e., after the suit had been filed. Ex.P1 is the Sale deed dated 10.09.2022, through which the petitioner herein had purchased an extent of 0.51.67 hectares in Bymass No:35/5 of Kumarapalayam Agraharam Village, S.No:18 of Aayakaadu from the 3rd respondent herein, which forms part of the suit property. The petitioner herein is a purchaser pendente lite and is thus, bound by the outcome of the suit.

It is pertinent to note that the 3rd respondent, who has filed the above I.A.No:2/2022 to reject the plaint, remains the party to the proceedings of the suit. The purchase of the property from the 3rd respondent does not by itself automatically entitle the petitioner herein to become a party to the petition in I.A.No:2/2022, which had been filed to reject the plaint. Though the petitioner herein has been allowed to be impleaded as a party to the suit as per orders passed in I.A.No:4/2023 dated 05.04.2025, the same cannot entitle the petitioner herein to be added as a party to the petition in I.A.No:2/2022.

A necessary party is one without whom, no effective decision could be arrived. A proper party is one whose presence might not be necessary for effective decision making but however, their presence enables the court to effectively and completely adjudicate upon the dispute involved. When the respondents 1 and 3 herein have filed

the above petition in I.A.No:2/2022 intending to reject the plaint, the dispute involved in the said petition exists between the respondents 1 and 3 and the 5th respondent, based on the averments of the plaint and plaint documents. If the petitioner herein finds the plaint filed by the 5th respondent to be liable to be rejected, the petitioner could challenge the same through separate petition but the petition in I.A.No:2/2022 filed by the respondents 1 and 3 to reject the plaint filed by the 5th respondent does not mandate the presence of the petitioner herein. Hence, the petitioner herein is neither a necessary party nor a proper party to the above I.A.No:2/2022.

Therefore, from the foregoing discussions and in the interest of justice, this court of opinion that the present petitioner shall be not be impleaded as the party to the above I.A.No:2/2022

In the result, this petition is DISMISSED. No costs.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 11th day of June 2026.

District Munsif,
Kumarapalayam.

PETITIONER SIDE DOCUMENTS

Nil

RESPONDENT SIDE DOCUMENTS

Nil

District Munsif,
Kumarapalayam.

Fair / Draft orders

I.A.No: 03/2023 IN

I.A.No:02/2022 IN

OS.No : 193/2020

Dated : 11.06.2026