

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, JAYANKONDAM.

Present: **Tmt.S.Dhanalakshmi, B.A.M.L.,**
Principal District Munsif,
Jayankondam.

On Monday, the 08th day of September 2025

I.A.No.08/2024

-in-

O.S.No.69/2020

Manivannan

... Petitioner/3rd party

// VS //

1. Sundaramurthy

... Respondent/plaintiff

2. Ranganathan

3. Arivazhagan

4. Ilanjiyam (died)

5. Rajeswari

6. The Tahsildar, Tahsildar office, Jayankondam.

7. Sub-collector, Udayarpalayam.

8. Tamil Nadu Government Represented by the District collector,
Ariyalur.

9. Sub-Registrar, Sub-Registrar office,
T.Palur.

... 1 to 8 Respondents/Defendants

This petition came upon for final hearing before me on 08.08.2025 in the presence of learned counsel of Thiru.M.Francisxavier, for Petitioner/3rd Party and learned counsel of Thiru.N.T.Anandan, for 1st Respondent/Plaintiff and 2 to 9 respondents/Defendants called absent set-exparte and filing counter and after perusal of petition, affidavit, counter and case records and after hearing both sides arguments and having stood over for consideration till this day this court delivered the following:-

ORDER

1. This petition filed by the petitioner/3rd party under **Order 1 Rule 10(2)** of Civil Procedure Code to implead proposed party as **Defendant** in the suit.

2. The Brief averment of the petition is as follows:-

The petitioner in this petition is a third party. As stated by the plaintiff, in survey No.252/11 measuring 2.44 acres, the northern portion to an extent of 1.03 acres was allotted to Sadaiyan. Out of the remaining property measuring 0.33 cents belonging to the plaintiff the northern portion continued to be enjoyed by Sadaiyan, and in a partition among his sons, it was allotted to his son Chandrakasan. Accordingly, subdivision was carried out, and Patta was issued as follows survey No.252/11A to the plaintiff and Survey No.252/11B to Chandrakasan.

In a subsequent petition in the family of Chandrakasan, the entire extent of 0.30.5 acres in Survey No.252/11B was allotted to Ranganathan and Arivazhagan. Thereafter, Ranganathan and Arivazhagan jointly sold the said 0.30.5 acres to the 4th defendant, Rajeswari on 20.06.2020. Subsequently the 4th defendant sold 0.13.36 acres out of the said property to minor Akash (represented by his guardian Janaki) on 22.03.2021. Thereafter, the remaining extent of 0.17.14 acres was sold to the petitioner on 08.02.2024. From the date of the said sale, the petitioner has been in possession and enjoyment of the property.

Therefore, in the suit property, the petitioner has valid title and possession by virtue of the sale deed. Since there is no injunction order prohibiting registration of the document during the pendency of the suit, the petitioner, relying on the legal opinion of the Government pleader, has purchased the property. Accordingly, the petitioner is a bona fide purchaser for value.

Since the petitioner has purchase the suit property, his presence in this case is very essential. Hence, only if the petitioner is impleaded as a defendant in the suit and the case is conducted with him on record, can there be a complete, effective, and final adjudication of the dispute. If the petition is going to not allowed it will cause hardship to the petitioner. Hence this petition has to be allowed.

3. The brief averment of the counter filed by the 1st respondent/Plaintiff:-

The petition is false frivolous and vexatious. On the basis of the reasons stated in the petition, the petitioner cannot be considered a bona fide purchaser. Any person who purchases property during the pendency of a suit is bound by the decree passed therein. Hence, this petition is unnecessary. The petitioner's sale deed is hit by the doctrine of lis pendency under the Transfer of property act.

The contention of the petitioner that he purchased the property during the pendency of the suit because there was no injunction order amounts to finding fault with the court itself. During the pendency of the case, the opinion of the Government pleader permitting alienation of the suit property is wholly improper, as it gives the impression that the Government Pleader is acting as a superior authority over the court. Such conduct undermines the faith of litigants in the judicial process, and therefore no Government pleader has authority to permit sale of the suit property during pendency of litigation.

The alleged legal opinion of the Government pleader relied upon by the petitioner has not been filed in this court in good faith. The advocate who appeared for defendants 5 to 8 bring Government officials, has no power to render such a legal opinion in the same case. By doing so, the Government pleader, while acting as counsel for one party, has misused his official position to alter the course of the litigation, which is a serious legal impropriety.

A Government Pleader while acting as counsel for one party, cannot in law render a legal opinion to the opposite party in the same suit. By giving such an opinion, he has created an impression that possession of the suit property has changed during pendency of the litigation, thereby multiplying proceedings, increasing the burden on the court, and acting in an unlawful manner.

The 8th defendant, sub-Registrar Manimegalai, was given a petition by the plaintiff's son on 30.03.2023 pointing out the pendency of the case, which was numbered as injunction petition No.9/23. This same officer, in another case,

disregarded a Court order and registered a fraudulent document. Therefore, she cannot be expected to respect court orders.

The plaintiff relies upon the communication of the higher authority of the 8th defendant, namely, the District Registrar in Na.Ka.No.3239/A1/2023 dated 19.06.2023, as well as the subsequent communication of the 5th defendant Tahsildar in Ref.No.Th.K.S/258/dated 15.04.2024, wherein he requested the 8th defendant not to register the document, pursuant to the plaintiff's earlier injunction petition and the revenue support obtained in case No.69/20. Further, the 6th defendant sub-collector, by order dated 26.10.2023 directed that appropriate petitions be filed in Court as per court orders. From these records, it is evident that the Government Pleader has acted contrary to the stand of defendants 5 and 6 by giving such a legal opinion.

The plaintiff has also issued an advocates notice on 27.03.2024 to the competent Government authorities requesting them not to register the document. In law, a 3rd party cannot be impleaded against the will of the plaintiff. As per the principle of dominus litis, a person cannot be compelled to sue against his wish. The petitioner, who has enmity with the plaintiff in earlier litigations, is an unnecessary party in the present case. The suit property is already in the possession of the plaintiff. If the petitioner, relying on void documents, wants to agitate his claim, he must file a separate suit and pay the requisite court fees. Instead, by filing the present petition, he is attempting to bypass legal requirements. Therefore, it is prayed that the petition filed by the petitioners be dismissed with costs in favour of the respondent.

4. Neither the petitioner nor the respondent has placed any oral evidence or documentary evidence before this court.

5. Now it is to decide whether this petition is going to be allowed or not?

6. Heard both sides. Records perused. Both side learned counsels argued their replica of petition and counter.

7. Points for consideration:-

Considering both sides submission, it is observed that the petitioner has filed this application to implead proposed party as **Defendant** in the suit.

This suit is filed for declaration and permanent injunction. This petitioner is 3rd party in the suit, who is the bonofide purchaser of the suit property. Hence, to prevent the multiplicity of proceedings this petition is allowed.

This court consider the following *Legal implications*

- I. **Protection:** A bona fide purchaser for value without notice can be protected from the claims of the original parties in a lawsuit, even if the seller's title was defective or the transaction was based on an earlier agreement.
- II. **Burden of Proof:** The legal burden of proving that they meet all these criteria lies squarely on the purchaser who claims this protection.
- III. **Exception to lis pendens:** This principle is a key exception to the doctrine of lis pendens (the legal principle that a pending lawsuit affects the property), which states that any transfer of the property during a lawsuit is subject to the outcome of that litigation, regardless of whether the buyer had notice.

Even though the petitioner purchased the property during the pendency of this suit only the prevent the multiplicity of proceedings petition is allowed.

Finally, this petition is Allowed. No cost.

Dictated to steno-typist, typed by her directly, corrected and pronounced by me in the open court, this the **08th** day of September **2025**.

Principal District Munsif,
Jayankondam.

Both sides witness and exhibits: Nil

Principal District Munsif,
Jayankondam.