

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,  
Principal District Judge, Coimbatore.**

**Thursday, this the 16<sup>th</sup> day of April 2026**

திருவள்ளூர் ஆண்டு 2057 தமிழ் பராபவ ஆண்டு சித்திரை மாதம் 03ம் நாள்  
வியாழக்கிழமை

**I.A.No.4/2025 in O.S.No.685/2008**

A.Natesan

... Petitioner/Plaintiff

/vs/

1. P.Muthu (Died)

2. T.Janaki

3. M.Palanisamy

... Respondents / Defendants

4. A.Stanley Felix

5. J.Senthil Kumar

6. D.Meena

7. M/s.Kotax Mahindra Bank

represented by its Branch Manager

... Respondents/  
Proposed parties

This petition came up on 02-04-2026 for final hearing before this Court in the presence of **Thiru.P.Suresh**, Advocate for the Petitioner/Plaintiff and the Respondents/Defendants/Proposed parties remained exparte and upon hearing the argument of the Petitioner, perusing petition and other relevant records,

having stood over for consideration till this date, this Court passes the following:

**ORDER**

This is an application filed by the Petitioner, under Order 1 Rule 10 of CPC, seeking to implead the Proposed parties/Respondents 4 to 7 as Defendants 4 to 7 in the above suit.

**2. BRIEF AVERMENTS CONTAINED IN THE AFFIDAVIT FILED ALONG WITH PETITION :-**

- i. The Petitioner has filed the above suit for Specific performance and alternatively for refund of advance amount as against the 1<sup>st</sup> Defendant. The plaint pleadings may be read with as part and parcel of this affidavit.
- ii. It is reported that the 1<sup>st</sup> Defendant died on 06.11.2008. The above suit was posted on to 24.06.2009 for taking steps. The Petitioner went to the 1<sup>st</sup> Defendant's residential place to found the legal heirs of the deceased. He could not track those particulars due to their non-residence of that locality. Further, he repeatedly went to the suit property and also enquired nearby owners with regard to the legal heirs but all ended in vain. Hence, for the non-filing of steps petition, suit was dismissed as against the Respondents being abated. In fact, he is vehemently tracks the legal heirs particulars for these days and years towards

conducting case proceedings. As the facts being so; in the month of August, 2018 he found one such Respondents over the suit property stating themselves alienated the suit property. Thereafter, he had verified encumbrance of the suit property, he had been put under severe shock and surprise to see that the deceased 1<sup>st</sup> Defendant wife named Maragatham was pre-deceased on 01.07.2005. Thereafter, the alive legal heirs are 2<sup>nd</sup> Respondent being daughter and 3<sup>rd</sup> Respondent being son of the deceased. The Respondents No.2 and 3 allegedly sold the suit property to one A.Stanley Felix vide through alleged Sale deed in Document No.9035/2014 dated 19.09.2014 registered at Sub-Registrar office, Sular. Finally, he had filed Section V Petition in I.A.No.1/2019 was allowed by this Court on 21.12.2021. It is pertinent to note that in the said application, the Petitioner had been examined as PW1 and the said documents had been marked as Ex A-1 and A-2. On aggrieving upon allowing the said application, the Respondents No.2 and 3 had preferred C.R.P No.654/2022 before the Hon'ble High Court of Madras. The said C.R.P had been partly allowed by the Hon'ble High Court on 24.06.2025 by modifying the cost from Rs.10,000/- (Rupees Ten Thousand only) to Rs.40,000/- (Rupees Forty Thousand only) as cost imposed towards allowing the Section V Limitation Application. As such the restore petition in I.A.No.3/2021 was allowed by this Court on 21.07.2025. As such both applications were allowed.

iv. The Petitioner is constrained towards discovering the Respondents No.2 and 3 until obtaining their particulars only through the said document, unless then he cannot track those particulars inspite of his hard effort. Further, he had medical ailments and other commitments needs to be managed by him. In those circumstances, the Petitioner cannot file the said applications without knowing about the legal heirs. Finally, they had been impleaded in the above case.

v. In spite of sale agreement in force, the alleged sale deed in Document No.9035/2014 dated 19.09.2014 is null and void and not binding upon him. In such circumstances, the Petitioner had applied for Encumbrance certificate for the suit property dated 27.09.2025. He had been put under severe shock and surprise to see that the 4<sup>th</sup> Respondent herein had illegally executed a General Power of Attorney in favour of one K.Dhandapani vide through Document No.4961/2015 dated 18.05.2015 registered at Sub-Registrar office, Sulur, Coimbatore. The proposed 4<sup>th</sup> Defendant through his alleged power agent K.Dhandapani, had executed a sale agreement in Document No.4964/2015 dated 18.05.2015 registered at Sub Registrar office, Sulur, Coimbatore in favour of one P.Subramaniam. Later, proposed 4<sup>th</sup> Defendant herein had cancelled the said General Power of Attorney through cancellation deed in Document No.9391/2019 dated 26.08.2019 registered at Sub - Registrar office, Sulur, Coimbatore. Further, he had also cancelled the alleged sale agreement in

Document No.4964/2015 vide through sale agreement cancellation deed in Document No.9390/2019 dated 26-08-2019 registered at Sub-Registrar Office, Sullur, Coimbatore. The said deeds are null and void and not binding upon the Petitioner. Further, the said deeds already cancelled as stated supra, hence declaratory relief is not sought for and also those persons were not added as one of the party to these suit proceedings.

vi. Again the 4<sup>th</sup> proposed Defendant herein had again illegally executed a General Power of Attorney in favour of proposed 5<sup>th</sup> Defendant herein vide through Document No.9396/2019 dated 26.08.2019 registered at Sub-Registrar office, Sullur, Coimbatore. The proposed 4<sup>th</sup> Defendant through his alleged power agent proposed 5<sup>th</sup> Defendant, had executed a sale agreement in Document No.9665/2019 dated 30.08.2019 registered at Sub-Registrar office, Sullur, Coimbatore in favour of proposed 6<sup>th</sup> Defendant. Later, proposed 4<sup>th</sup> Defendant herein had through his alleged power agent proposed 5<sup>th</sup> Defendant, had executed a sale deed in Document No.12179/2019 dated 29.10.2019 registered at Sub-Registrar office, Sullur, Coimbatore in favour of proposed 6<sup>th</sup> Defendant. The said alleged deeds are null and void and not binding upon the Petitioner. It never curtail his rights in any manner or whatsoever. As such, he is also seeking declaratory relief in regard to the alleged deeds.

vii. The proposed 6<sup>th</sup> Defendant herein had illegally mortgaged the suit property by executing Deposit of Title Deed in favour of M/s.The Adithya Birla Finance Limited vide through Document No.5265/2021 dared 29.03.2021 registered at Sub-Registrar office, Sulur, Coimbatore. The proposed 6<sup>th</sup> Defendant herein had obtained receipt in Document No.581/2025 dated 13.01.2025 registered at Sub - Registrar office, Sulur, Coimbatore. The said alleged deeds are null and void and not binding upon the Petitioner. Further, the said deeds already were not in existence, hence declaratory relief is not sought for and also that concern is not added as one of the party to these suit proceedings.

viii. The proposed 6<sup>th</sup> Defendant herein had illegally mortgaged the suit property by executing Memorandum of Entry in favour of proposed 7<sup>th</sup> Defendant herein vide through Document No.594/2025 dated 13.01.2025 registered at Sub - Registrar office, Sulur, Coimbatore. The said alleged deed is null and void and not binding upon the Petitioner. It never curtail his rights in any manner or whatsoever. As such, he is also seeking declaratory relief in regard to the said alleged deed.

ix. Infact, the Defendants No.2 and 3 had engaged the same counsel of the 1<sup>st</sup> Defendant clearly reveals that they had much knowledge about the pending sale agreement. Inspite of the same, they had performed the alleged sale deed in favour of proposed 4<sup>th</sup> Defendant as stated supra. With the said alleged deed he

performed subsequent deeds as stated supra and also the other proposed Defendants alienations performed accordingly. As such all those deeds are subsequent to the Petitioner's sale agreement and it never curtail his rights in any manner or whatsoever. As such, he is seeking for declaratory relief to declare those alleged deeds as null and void, sham and nominal, illegal and not whatsoever.

x. The activity of the Defendants are also in a manner to collude with each other to defeat the Petitioner's rights and to illegally capture the suit property. In such circumstances they are making hectic attempts to alienate the suit properties to third parties. The Petitioner is seeking relief of permanent injunction restraining them from interfering and alienating the suit properties. If any alienations are made by them it would be in a manner of multiplicity of proceedings. Since, the threat is imminent and the Defendants are busy from last week of September, 2025 and the Petitioner has no other options except to seek reliefs accordingly.

xi. As the facts being so; the proposed Defendants are necessary parties to this suit proceedings in order to elucidate the suit issues. Accordingly, this impleading petition is filed. The documents will clearly reveals about the happened facts. Unless the petition is allowed, the Petitioner will be put under too much irreparable loss and hardship. Therefore, he prays to pass an order to

implead the Proposed parties/Respondents 4 to 7 as Defendants 4 to 7 to contest the above suit and to pass such other suitable and further orders as this Court deems fit under the circumstances of the case and thus render justice.

3. Though the Respondents 1 to 3 were served with the notice of hearing for this petition but failed to file their counter statement or appear before this Court being granted time, and they were called absent and set exparte on 17-02-2026. In spite of receipt of notice, the Respondents 4 and 7 have not chosen to appear before this Court, and they were called absent and set exparte on 09-12-2025. Though the Respondent No.6 appeared in person, subsequently she has not come forward to file her objection to this petition and she was called absent and set exparte on 17-02-2026. Though Paper Publication effected, the Respondent No.5 has not chosen to appear before this Court and he was called absent and set exparte on 24-03-2026. The Respondent No.1 reported to be died.

**4. The point that arises for consideration is :**

Whether the Proposed parties/Respondents 4 to 7 herein are to be impleaded as Defendants 4 to 7 in the above suit or not? is the point for consideration.

**Point :-**

5. Heard and perused the relevant records. This petition is filed by the Petitioner/Plaintiff seeking to implead the Proposed parties/Respondents 4 to 7 herein as Defendants 4 to 7 in the above suit.

6. It is the contention of the Petitioner/Plaintiff that, the 1<sup>st</sup> Defendant/1<sup>st</sup> Respondent died in the year 2008, and the suit was initially dismissed due to a failure to bring legal heirs on record. The property was later found to have been sold in the year 2014 by the deceased's daughter and son to the 4<sup>th</sup> Respondent herein. The petition to bring the legal heirs on records was allowed in the year 2021, but this decision was modified by the Hon'ble High Court, Madras in the Civil Revision Petition in the year 2025. The costs ranging from Rs.10,000/- to Rs.40,000/- were imposed regarding the Section 5 of the Limitation Act application allowed on 21-07-2025. Finally, the legal heirs of the said deceased 1<sup>st</sup> Defendant namely the Respondents 2 and 3 herein had been impleaded in the above suit. The alleged Sale deed in Document No.9035/2014 dated 19-09-2014 is null and void. The Petitioner discovered illegal general power of attorney executions regarding the suit property in the year 2015 allegedly executed by the 4<sup>th</sup> Respondent herein in favour of one K.Dhandapani who in turn allegedly executed a sale agreement dated 18-05-2015 in favour of

one P.Subramaniam. Later proposed 4<sup>th</sup> Respondent herein had cancelled the said general power of attorney through cancellation deed dated 26-08-2019 and further he had also cancelled the alleged sale agreement. Encumbrance certificates were applied for on 27-09-2025 to investigate the illegal transfers. As the said deeds already cancelled, hence declaratory relief is not sought for and those persons were not added as party to these suit proceedings.

7. Further contention of the Petitioner/Plaintiff is that, the 4<sup>th</sup> Respondent allegedly appointed the 5<sup>th</sup> Respondent herein via the registered power of attorney on 26-08-2019. The 5<sup>th</sup> Respondent herein allegedly executed a sale agreement dated 30-08-2019 and a sale deed dated 29-10-2019 in favour of the 6<sup>th</sup> Respondent herein. These deeds are invalid, not binding, and the Petitioner/Plaintiff is seeking declaratory relief regarding them. The 6<sup>th</sup> Respondent herein illegally mortgaged the property to M/s.The Adithya Birla Finance Limited in the month of March 2021. Another illegal mortgage via Memorandum of Entry was allegedly executed by the 6<sup>th</sup> Respondent in favour of the 7<sup>th</sup> Respondent herein in the month of January 2025. These deeds are null and void and the Petitioner/Plaintiff is seeking declaratory relief regarding the same. The Respondents 2 and 3/Defendants 2 and 3 knew of a pending sale agreement yet proceeded with a sale deed to the 4<sup>th</sup> Respondent herein.

8. Further contention of the Petitioner/Plaintiff is that, he is seeking for declaratory relief to declare certain sale deeds as invalid because they were executed after his own sale agreement. The Petitioner is seeking the permanent injunction to prevent the Defendants from transferring the property to others while the case is pending. Therefore, the Petitioner requests the Court to implead the Respondents 4 to 7 in the above suit to resolve the issues completely. Failure to grant this relief would cause irreparable harm to his legal rights regarding the suit property and prays to allow the petition.

9. Though the Respondents 2 and 3 were served with the notice of hearing for this petition but failed to file their counter statement or appear before this Court being granted time, and they were called absent and set exparte on 17-02-2026. In spite of receipt of notice, the Respondents 4 and 7 have not chosen to appear before this Court, and they were called absent and set exparte on 09-12-2025. Though the Respondent No.6 appeared in person, subsequently she has not come forward to file her objection to this petition and she was called absent and set exparte on 17-02-2026. Though Paper Publication effected, the Respondent No.5 has not chosen to appear before this Court and he was called absent and set exparte on 24-03-2026. The Respondent No.1 reported to be died.

**10.** On perusal, it reveals that, the Petitioner/Plaintiff filed the above suit seeking for specific performance, permanent injunction, alternatively refund of the advance sale consideration and for other reliefs. The suit has been filed by the Petitioner/Plaintiff on 21-08-2008. The Petitioner alleges that during the pendency of the suit, Respondent Nos. 4 and 5, through a Power of Attorney dated 26-08-2019, executed a subsequent sale agreement dated 30-08-2019 and registered Sale deed dated 29-10-2019 in favor of Respondent No.6. It is further alleged that Respondent No.6 created subsequent mortgages in favor of M/s.Aditya Birla Finance Ltd in the month of March 2021 and in favour of the Respondent No.7 in the month of January 2025. The Petitioner contends that these subsequent transactions are void, fraudulent, and not binding, and the suit property is under threat of further transfer. To avoid multiplicity of proceedings and to ensure an effective decree can be passed, the Petitioner seeks to implead Respondents 4 to 7 as Defendants. The proposed Respondents, despite being served/given notice, have chosen to remain ex-parte. Therefore, in view of the legal position that a subsequent purchaser/mortgagee is a "proper party" to a specific performance suit to bind them by the decree, and to avoid multiple lawsuits, this Court is of the opinion that the presence of the proposed Respondents is necessary for complete adjudication. Therefore, this Court is inclined to allow the petition.

In the result, the petition is allowed. The Proposed parties/Respondents 4 to 7 herein are ordered to be impleaded as Defendants 4 to 7 in the main suit.

No cost.

Dictated to steno-typist and transcribed and typed by her in the computer, corrected and pronounced by me in the open Court on this the 16<sup>th</sup> day of April 2026.

PRINCIPAL DISTRICT JUDGE  
COIMBATORE.

Draft / Fair order  
I.A.No.4/2025  
O.S.No.685/2008  
Dated : 16-04-2026  
PDJ, Cbe.