

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, CUDDALORE

Present: Selvi.B.Phebe, B.A.,LLB.,

Additional District Munsif, Cuddalore

Monday, the 7th day of July – 2025

I.A.No.365/2023 in O.S.No.92/2004

1. G.Muthukrishnan
2. G.Pandurangan
3. G.Gunasekaran
4. S.Sudhakar
5. K.Siddarthan
6. K.Thangapazham
7. R.Ramamurthy

.....Petitioners/Plaintiffs

-Vs-

1. N. Janardhanan
2. S.Prabhakaran
3. S. Premkumar
4. S.Sathiskumar
5. L.Devanathan
6. S.Prabhavathy
7. S.Selvam
8. B.Umamaheswari
9. The State of Tamilnadu

Represented by its District Collector,
Cuddalore District.

10. The Sub Registrar,
Manjakuppam, Cuddalore.
11. The Commissioner,
Cuddalore Municipality
12. The Tahsildar,
Taluk Office, Cuddalore.
13. The Assistant Engineer (Town)
Tamilnadu Electricity Board (O.&M.)
Cuddalore.
14. Raja @ Govindaraj
15. The Sub Registrar, Nellikuppam.1 to 15 Respondents/Defendants
16. P.R.PandianRespondent/Proposed Party

Counsels on Record:

- For Petitioner : Mr.R.Rajavelavan
For R2 & R8 : Mr.G.Murugaiyan
For R3 to R6,
R9 to R14, R15 } : Exparte
For R7 : Mr.S.Ramadas
For R16 : Mr.S.Ram Mohan

This petition came before this Court in the presence of counsels and upon perusal of records and having stood over for consideration till this day, this court delivers the following....

ORDER

This is an application taken out by Petitioner under Order 1 Rule 10 r/w Order

22 Rule 10 of CPC to implead Proposed Party.

2) Gist of the Affidavit filed by the Petitioner:-

The 4th petitioner is the 4th plaintiff in the suit. The other petitioners are his cousin brothers who are co-plaintiffs in the suit. The petitioners have filed the suit for declaration that the decree of permission to sell Trust properties in O.S.No.225 of 2023 on the file of 1st Additional Sub Court, Cuddalore dated 30-10-2003 is null and void and for other reliefs, in which the respondents 2 and 8 alone are contesting.

During pendency of suit, the 7th respondent who remained ex-parte in suit has executed a registered sale deed dated 04-03-2011 in favour of 16th respondent/proposed party in respect of 1 Acre of land in item No.2 of suit schedule property. In order to have a binding decree, the proposed party has to be impleaded and brought on record as 16th defendant in the suit for effective and complete adjudication. Therefore, the petitioners prays to implead the 16th respondent/proposed party as 16th defendant in the suit in view of the purchase made by him in respect of portion of Item No.2 of suit property. Hence the petition.

3) Gist of Counter filed by the 7th Respondent:

(i) There is no need to add the 16th defendant in the suit. The 1st respondent N.Janardhanan obtained Permission to sell the suit properties in O.S.No.225/2003 on the file of the 1st Additional Subordinate Court, Cuddalore dated on 30.10.2003. There after the 1st respondent sold the suit properties to the 7th

respondent vide Document No.2185/2003 dated 12.12.2003 in Sub-Registrar Office, Nellikuppam for a consideration of Rs.4,52,100/-. Subsequently, the 7th respondent sold 1 Acre of the suit property to P.R.Pandian on 4.3.2011. The 7th Respondent/7th Defendant has every right to alienate the suit property to P.R.Pandian, the proposed 16th Respondent/16th Defendant.

(ii) The petitioners/plaintiffs filed this suit before this Hon'ble Court which lacks the proper jurisdiction. The petitioners/ plaintiffs should have approached the Hon'ble High Court Judicature, Chennai only. This Hon'ble Court has no jurisdiction to entertain the suit. The petitioners/plaintiffs are wrongly conducting the case before this Hon'ble Court for the past 20 years and wasting the court's precious time.

(iii) Hence, the suit itself is very much liable to be dismissed, there is no necessity to implead P.R.Pandian as 16th Respondent/16th Defendant proposed party as 16th defendant in the suit. The 7th respondent/7th defendant already filed petition under order 7 Rule 11 of C.P.C for rejection of plaint in I.A.No. 170/2024 which is pending before this Hon'ble Court.

4) Gist of Counter filed by the 16th Respondent/Proposed Party:

(i) The respondent is a bonafide purchaser of value without any defect in title. The respondent purchased the property based on the permission granted by the principal sub Court Cuddalore in OS.No 225/2003 dated 28.11.2002. Previously Sivashankar Muthaliyar and Ramachandran filed a suit for bare injunction as though

they are lessees of the suit property for permanent injunction in O.S.32/2004 in which this respondent has been arrayed as 9th defendant and after full trial the suit was dismissed by this Hon'ble court on 23.03.2017 holding that the decree in O.S.225/2003 is a valid decree. So, against the decree there is no appeal and the judgment has become a judgment-in-rem. In view of the said finding, this suit is an abuse of process of law and most vexatious in nature. Hence liable to be dismissed in limine. This court has no locus standi to entertain an application under order 1 rule 10 of C.P.C. This respondent submits that he is neither a proper nor necessary party to the suit and hence this court has no locus standi to entertain an application under order 1 rule 10 of C.P.C. This respondent submits that the application under order 1 rule 10 is barred by the principles of estoppel, acquiescence and limitation.

The point for consideration is whether the petition filed by the petitioners under Order 1 Rule 10 r/w Order 22 Rule 10 of CPC is to be allowed or not?

- 5) No witnesses were examined nor any documents were marked on either side.
- 6) **The learned counsel for the petitioner reiterated the petition averments and argued that,** the 4th petitioner herein is the 4th plaintiff in the suit. This suit has been filed to declare the decree of permission to sell the suit properties in O.S.No225/2003 dated 30.10.2003 as null and void. The 2nd and 8th respondents are the contesting parties. During pendency of suit the 7th respondent has executed a registered Sale deed dated 04.03.2011 in favour of 16th respondent who is the

proposed party herein, for item No.2 of suit schedule property. In order to have a binding decree the proposed party has to be impleaded in this suit for effective and complete adjudication. Hence, the petition. **Per Contra**, it is stated that there is no need to implead the 16th respondent/proposed party as the land was sold after obtaining proper permission from the Hon'ble Court. Hence sought to dismiss the petition.

7) Heard. Perused the records.

8) Analysis:-

This petition has been instituted to implead the proposed party who is the lis pendens purchaser. It is a settled principles of law that the Doctrine of Lis Pendens u/S. 52 of Transfer of Property Act merely renders the rights arising from lis pendens transfers as subservient to the rights of the parties to the pending litigation and is subject to any orders of the court and hence subsequent transferees are impleaded liberally to protect their interest. Though the proposed party herein seeks to dismiss the petition, he being a *bonafide lis pendens purchaser*, this court is of the view that his interest is substantial and the outcome of the suit would adversely affect his interest. Hence this court is inclined to allow this petition. However since the vendors 2nd and 7th defendant already on records and are contesting the case, in line with the judgment of Honb'le Madras High Court (Division bench) in the case of ***T. Marimuthu Vs S.S. Prabhakaran reported in 2025 (3) CTC 600***, this court is

of the view that the impleaded party may formally examine a witness to mark his sale deed. The relevant passage from the Judgment is as follows:-

“The Appellants’s Vendor was the sole Defendant and he was set ex parte. He will continue to remain so. The Appellant herein will enter the fray as the Second Defendant. Since his Vendor had already filed Written Statement and questioned the plaintiff’s readiness and willingness, there is no need for the Second Defendant to file any Written Statement of his own. There is no need to even frame Additional Issues. The plaintiff will be recalled for the purpose of cross-examination by the impleaded Defendant. The Appellant herein can adduce formal evidence for the purpose of marking his Sale deed.”

In fine, this petition is allowed without costs.

Dictated to Steno Typist, typed and printed out by her and corrected and pronounced by me in open court, on this day, the 07th of day of July 2025.

Additional District Munsif,
Cuddalore.

List of Witnesses and Documents on both sides:- -NiL-

Additional District Munsif,
Cuddalore.

ADM Court, Cuddalore.
Fair Order
I.A.No.365/2023
in O.S.No.92/2004
Date: 07.07.2025
