

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: Thiru.C.Mohanram, M.A., B.L.,
Additional District Judge,
Ramanathapuram.**

Tuesday, the 27th day of January 2026

**I.A. No.7/2025
in
O.S. No.51/2022**

Hameedh Musthafa

... Petitioner / Proposed
10th defendant

/Vs/

1. Letchumanan

... 1st Respondent / Plaintiff

2. Saraswathi

3. Logeswari

4. Buwaneshwari

5. Sharmila

6. Bavatharani

7. The Sub-Registrar, Ramanathapuram

8. The District Registrar, Ramanathapuram

9. The State, represented by its District Collector, Ramanathapuram

... Respondents 2 to 9 /
Defendants 1 to 8

This petition came up on 20.01.2026 before this Court for final hearing in the presence of Thiru.S.A.S. Alaudeen, Advocate for the petitioner and Thiru.K.Nagarajan, Advocate for the 1st respondent and Thiru.M.Senthil Kumar, Advocate for the respondents 2, 4 to 6 and Thiru.S.Dhanasekaran,

Advocate for the 3rd respondent and Government Pleader for the respondents 7 to 9 and upon hearing both side arguments and upon perusal of petition, counter, written argument and case records, this Court delivers the following:

ORDER

Petition has been filed under Or.1 R.10(2) and Sec.151 CPC.

2. The petitioner is 3rd party proposed defendant No.10. The petitioner / proposed party has filed this application to implead himself as a proposed defendant No.10 stating that he is a bonafide purchaser for value of an extent of 9.86 cents in Sy.No.15/3 Kattoorani Village by virtue of a registered Sale deed dated 12.01.2023 executed by one Sekar who is Power of Attorney holder of 4th defendant. It is his case that he has been in open, peaceful, continuous and lawful possession and enjoyment of the said property from the date of purchase and revenue records were duly mutated in his favour.

3. It is the further case that neither the principal nor the Power of Attorney agent has disclosed the pendency of the present partition suit and he came to know the pendency of the suit proceedings only upon the receipt of subsequent notices. Therefore he has to be impleaded as a party in the suit as defendant No.10. Unless the petitioner is impleaded as a party to the proceedings, he would put into irreparable injury and hardship.

4. The 1st respondent / plaintiff in his counter has stated that he has filed the suit for partition and also the Inam settlement deed executed by 1st defendant in favour of 4th defendant in respect of 1st item of suit property as null and void and not binding upon him and he has also filed an objection petition before the Sub-Registrar not to register any conveyance deed in respect of suit properties. This petitioner / proposed defendant knowing the pendency of the suit has purchased a portion of a property from 4th defendant and therefore he is not a bonafide purchaser for value and the Sale deed in his favour is barred under lis pendens. Therefore the petitioner is not a necessary party and the petition has no merits and liable for dismissal.

5. The respondents 2 to 9 have not filed the counter.

6. Point for consideration is Whether this petition is liable to be allowed as prayed for.

7. Upon perusal of records, this suit for partition was filed on 14.07.2022. The petitioner / proposed party in his affidavit has stated that he purchased a portion of property from 4th defendant on 12.01.2023 i.e. subsequent to the suit. Now the question arise for consideration is whether the petitioner / proposed defendant has purchased a portion of property from 4th defendant without the knowledge of the pendency of the suit and he is a bonafide purchaser. The 1st respondent / plaintiff has categorically stated that the

petitioner / proposed party is not a bonafide purchaser for value and he has purchased the property knowing the pendency of the suit.

8. Admittedly, the petitioner / proposed party has purchased a portion of property subsequent to the suit. It is settled law that any transaction pending suit is subjudice and no serious prejudice would have been caused to the petitioner / proposed defendant in the event of 1st respondent / plaintiff failed to prove his claim and the defendants 1 to 5 are able to prove their claim. Therefore this Court is of the considered view that this petition has no merits and deserves for dismissal.

In the result, this petition is dismissed.

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected by me and pronounced by me in the open court, on this the 27th day of January 2026.

Additional District Judge,
Ramanathapuram.
27.01.2026

List of witness and document on either side :

Nil

Additional District Judge,
Ramanathapuram.
27.01.2026