

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

**PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam**

Tuesday of 24th June, 2025

IA No.2/2025

in

OS No.01/2025

Thiruvarutselvi

... Petitioner / Proposed 5th Defendant

/Vs/

1. Rathinambal

... Respondent / Plaintiff

2. Ammaniammal

3. Malathi

4. Chandramurali

5. Yogeshwaran

... Respondent 2 to 5 / Defendants 1 to 4

This petition is coming on 22.04.2025 for final hearing before me in the presence of Thiru.P.Eswaramoorthy,B.A.,B.L., Advocate for the petitioner and Selvi.R.Krishnaveni,B.A.,B.L., Advocate for the 1st Respondent and Thiru.A.Nagarajan, B.A.B.L., Advocate for the 2nd Respondent to 5th Respondent. Upon hearing both side arguments and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following..

ORDER

This application was filed by the Petitioner / Proposed 5th Defendant to implead himself in the suit under Order I Rule 10 (2) of CPC.

2. The Learned counsel for the Petitioner argued that Plaintiff had filed the above suit before the learned District Munsif, Palladam in OS

No.117/2017 for Partition and Separate Possession as against D1 to D4 and after that the plaintiff had filed the implead application in IA No.218/2022 to implead this Petitioner / Proposed 5th defendant as a party to the case then the plaintiff had withdraw the said application on 25.07.2023, then after the suit was transfer to this court on point of Jurisdiction, hence this Petitioner / Proposed 5th Defendant had filed this application as a bonafide Purchaser and he purchased a part of the suit property from D2 and D3 on 11.03.2020 in Document No.3389/2020 and prayed to implead himself in the suit.

3. Per contra, the Learned counsel for the Respondent/ Plaintiff had argued that Petitioner / Proposed 5th Defendant had purchased the suit property during the pendency of the suit hence she cannot claim to a bonafide purchaser and the sale deed dated 11.03.2020 is hit by the doctrine of lis pendens. It is well settled principle that subsequent purchaser can seek remedies in the partition suit only at the final decree proceedings and cannot be impleaded now. Hence prayed for disposal.

II. Now point for consideration is whether this petition is allowed?

1. Heard Both sides. Perused entire Records. On careful perusal of records it is the case of the Petitioner / Proposed 5th Defendant that she purchase the suit property from D2 and D3 on 11.03.2020 in Doc No.3389/2020. Hence in order to ensure her rights she filed this application to implead herself in the suit for Partition that too for consideration of Preliminary decree. Whereas the learned counsel for the Respondent / Plaintiff vehemently argued that she cannot claim to be a bonafide purchaser since she purchased the suit property during the pendency of the suit. Hence according to her the sale deed dated 11.03.2020 was hit by doctrine of lis pendens and she can seek the remedies in the suit only during

the final decree proceedings and she cannot be termed as a Necessary party to decide the case on merits.

2. On careful perusal of entire records now the suit at the stage of Cross examination of PW1 admittedly the subsequent purchaser the Petitioner / Proposed 5th defendant cannot be considered as a Necessary party to decide the issue involved in the suit at the stage of Preliminary decree for Partition but she will be considered as a Proper Party to the proceedings. Hence in order to give an effective and complete justice over the case and to avoid Multiplicity of proceedings the presence of all parties is necessary. Hence the impleadment of said Petitioner / 5th Defendant will not change or alter the suit filed by the plaintiff.

In the result, Hence this application is allowed. No costs.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 24th June 2025.

Subordinate Judge,
Palladam.

Fair / Final Order

IA. 2/2025 in OS 1/2025

Date: 24.06.2025