

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.
PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.

Monday, the 30th day of March 2026.

INTERLOCUTORY APPLICATION NO.3 OF 2025
IN
ORIGINAL SUIT NO. 163 OF 2018
CNR No.TNTR22 – 000226 - 2018

C.Murugan

.....Petitioner/Plaintiff

Versus

1.P.V.Natarajan

2. The Sub-Registrar

.....Respondents/Defendants

3. D.Ganesh Kumar

4. G.Divya

.....Proposed Respondents/Proposed Defendants

This petition having come on 26.02.2026 before me for final hearing in the presence of Shri.D.Inbaraj, learned counsels for the Petitioner, Shri.N.Arun Kumar, P.G.Gokuldhas, K.Saraswathi, R.Abraham, P.Suresh and D.Senthil, learned counsels for the Respondent/Defendant 1 and for Proposed Respondents/Proposed Defendants 3 and 4, No counter endorsed by 2nd Respondent, Shri.E.Murugesan, learned counsel for the 2nd Respondent, upon hearing the arguments made by the learned counsels for the petitioner and the learned counsels for the respondents and perusal of the records, this Petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. Application is filed under Order 1 Rule 10 (2) of CPC to permit the petitioner to implead the Third, Fourth proposed respondents and arrayed them as third and fourth defendants in the main suit in OS No.163 of 2018.

CONCISE STATEMENT OF THE PETITIONER AS PER THE AFFIDAVIT :

2. The petitioner submit that I have filed the above suit against the first, second respondents for permanent injunction and the above suit is now posted for Trial. I submit that although I am in absolute possession and enjoyment of the suit property by way of fencing the suit property with barbed wire fencing, during the First Week of December 2024, the first respondent has sold the suit property for the proposed Respondent/Defendant through a registered Sale Deed, dated 10.05.2024, registered as D.No.5837 of 2024, before SRO, Ambattur. The first respondent has no authority or right to sell the suit property to the proposed respondents/defendant and moreover the Sale Deed infavour of the proposed Respondents/Defendants is a fraudulent, fictitious, forged and sham-shell sale deed in their favour. Hence it is very much vital necessary to implead the third, fourth proposed respondents as third, fourth defendants in main suit. If the third, fourth proposed Respondents/defendants are not impleaded in the main suit I will be put to irreparable loss and hardship and on the other hand if the application is allowed no prejudice will be caused to the respondents. Hence prayed to implead the third, fourth proposed respondent in the main suit and arrayed them as third and fourth defendants in the main suit in O.S.

CONCISE STATEMENT OF THE COUNTER FILED BY THE 2nd to 4th RESPONDENTS/DEFENDANTS:

3. I am the 3rd proposed respondent herein and 3rd proposed defendant in the above main suit and as such, I am well acquainted with the facts and circumstances of the case. I further submit that this counter affidavit is filed on behalf of myself and on behalf of the 1st Respondent/ 1st Defendant and the 4th Proposed Respondent/ 4th Proposed Defendant herein. That the petitioner has not come to this Hon'ble Court with clean hands and the petitioner has filed this petition by suppressing material facts before this Hon'ble Court and so the petition is liable to be dismissed in limine. That 3rd and 4th Respondent purchased the property from the 1st respondent herein, vide Document No.5837/2024 dated 10.05.2024, being all that piece and parcel of vacant land situated at Oragadam Village, Indra Nagar, 1st Main Road, bearing Plot No.8A, Ward – A, Block No.0007, T.S. No.83/2, Old Survey No.90/2PT, measuring an extent of 1209 Square feet, with lands approval granted by the Great Chennai Corporation vide Permit No.02762/2019 dated 03.07.2019.

4. That neither the 1st respondent nor the 2nd respondent informed us about the pending main suit concerning the said property. Furthermore, when we inspected the property prior to the purchase, there was no fencing or any other indication of occupation. It was entirely vacant land. I further submit that, after the registration of the aforesaid property, the Sub Registrar, personally inspected the site, and only

thereafter was the registered document handed over to us. Subsequently, we also obtained patta in our name. It is denied that the petitioner is absolute possession and enjoyment of the suit property by way of fencing the suit property with barbed wire fencing.

5. That at present the property stands in 3rd and 4th Respondent name and the suit schedule property is vacant land and at present in their possession. Further that the petitioner not have any title, ownership and possession in the suit schedule property. That the main suit is filed only for the permanent injunction but the petitioner herein without having any possession and not having any documentary evidence to prove his ownership and the petitioner falsely instituted the present suit to extract money from the respondents.

6. That the 1st prayer in the main suit is for permanent injunction not to disturb the peaceful possession of the petitioner is not at all maintainable, first of all the petitioner not in possession and direct the petitioner to file a strict proof for the same. That the second prayer in the suit is for permanent injunction and not to alienate the suit property to the third property and at present the suit schedule property is stand in our name and patta stands in our name and without having valid documents the petitioner seeking in present petition to implead 3rd and 4th proposed respondent is only for the drag on the suit. That the present petition is not at all maintainable either in law nor in facts and there is no balance of convenience in favour of the petitioner. In the interest of justice, the present petition may be dismissed with cost. Hence

prayed to dismiss the I.A. No.3 of 2025 in O.S. No.163 of 2018.

POINT FOR DETERMINATION:

7. Whether this petition has to be allowed or not?

Reasons and findings:

8. This petition is filed to implead the third, fourth proposed respondents as third, fourth defendants in main suit. It is observed from Ex.P1 sale deed that the first respondent has sold the suit property for the proposed Respondent/Defendant through a registered Sale Deed, dated 10.05.2024, registered as D.No.5837 of 2024, before SRO, Ambattur. Further, on perusal of the counter it is observed that the Respondents No.3 and 4/ proposed defendants have admitted themselves to being bonafide purchasers, by which it is proved that they have been a part in the execution of sale, but they deny the knowledge of pendency of suit, i.e. lis pendence. This Court is of consideration that by impleading the proposed respondents 3 and 4 as proposed parties/ defendants to the present suit, they will not be put into any prejudice or loss. The 3rd and 4th Respondent contention that at present the property stands in 3rd and 4th Respondent name and the suit schedule property is vacant land and at present in their possession and that the petitioner not have any title, ownership and possession in the suit schedule property, is a matter of fact and law to be contested in trial. Hence in the interest of justice, to avoid multiplicity of proceedings, this Court deems just in impleading the Respondents No.3 and 4 as Defendants No.3 and 4 in the suit for just and fair trial.

9. This Court after perusal of the documents opines that opportunity should be granted to the Petitioner as he has the burden of proving his case by all means and evidence available, and adding of the Respondents No. 3 and 4/proposed parties to the suit would curtail multiplicity of proceedings. Hence, this Court relaying upon Hon'ble Apex Court ruling of Menaka Gandhi Vs UOI, and following principles of Natural Justice that no party should be left unheard, deems it fit in interest of Justice to give Opportunity to the Petitioners by allowing this petition.

RESULT :-

10. In the result this petition is allowed. No costs.

Dictated to Steno-typist, typed by her in the Computer directly, printed, corrected and Pronounced by me in open court on this the 30th day of March 2026.

**District Munsif,
Ambattur.**

1).List of Petitioner side Witnesses:

Exhibit P1 – 10.05.2024 - Sale Deed – Online Certified Copy

2). List of Petitioner Side Exhibits:

3)List of Respondents Side Witnesses and Exhibits: Nil

**District Munsif,
Ambattur.**