

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE  
VIRUDHUNAGAR**

Present : Thiru. **T.V.Hemanandakumar, B.A.,L.L.M.,**  
Additional District Judge, Virudhunagar

Tuesday, the 11<sup>th</sup> day of March, 2025

**IA No.06/2025 in**  
**OS.No.02/2014**

Pandurangan. ... Petitioner/proposed 45<sup>th</sup> defendant.  
Vs

1. J.Girijarani
2. V.Vimala @ Vimala Chandirakantham ... 1<sup>st</sup> and 2<sup>nd</sup> respondents/plaintiffs.
3. A.R.V.Jeyaraman.
4. J.Sridharan
5. G.Vijayalakshmi
6. G.Janarthanan
7. A.R.V.Ramachandran (Died)
8. A.R.V.Jeganathan.
9. J.Kalpana.
10. R.Muthala Aadhi Appasamy.
11. M.Rajaram
12. A.R.V.Jegadesan (Died)
13. J.Vasanthi.
14. M.Sheelapriya.
15. M/s A.R.Venkidasamy Naickar & Sons Share company  
Virudhunagar.
16. A.R.V.Jegadesan & Co. Share Company, Virudhunagar.
17. A.R.V.Ramachandran & Co Share Company, Virudhunagar.
18. Tamilnadu Mercandile Bank, Virudhunagar branch,  
through its Manager.
19. Central Bank of India, Virudhunagar Branch  
through its Manager.
20. S.Gopal Appasamy.
21. D.Devarajan.
22. T.Govindaraj.
23. P.Chandramohan.
24. G.Rajendran.
25. C.Vadivel.
26. A.R.R.Seenivasan.
27. G.Veerachamy.
28. Sri Dhandayuthapany Kovil Trust, Virudhunagar  
through its Trustee V.Vijayakumar.

29. S.A.Balasubiramaniam.
30. V.D.Nagapusanam Nadar.
31. V.Vijayakumar.
32. V.Ramasamy.
33. N.Sundaramoorthi.
34. N.Pandi
35. S.M.R.Mahendran.
36. E.Ramanujam.
37. S.Rajagopal.
38. E.Josva Milton
39. R.Sinthamani Ammal.
40. R.Surendra Kannan.
41. R.Rajagopal.
42. R.Parthasarathy
43. R.Senthamaraiselvi
44. J.Prema
45. Abarna
46. L.Dhomodaran.

... 3<sup>rd</sup> to 46<sup>th</sup> Respondents/  
Defendants 1 to 44.

This petition came up on 10.03.2025 for final hearing before me, in the presence of Thiru.K.V.Ravindran, learned advocate for the petitioner and Thiru C.Haribalakrishnan, learned advocate for the 3<sup>rd</sup> and 44<sup>th</sup> respondent and Thiru.N.Solairaj, learned advocate for the 8<sup>th</sup> and 9<sup>th</sup> respondents and respondents 7, 12 died and all other respondents set exparte and upon considering all material records in this case and having stood over till this day for consideration, this court doth deliver the following

### **ORDER**

This petition is filed by the petitioner/3rd party under Order 1 Rule 10(2) CPC to implead him as 45<sup>th</sup> defendant in the suit.

2) It is alleged in the affidavit that this petitioner purchased property in Sy.No.108/3 from Rajendran, Devarajan, Chandramohan, Vadivel on 21.02.2018 and this petitioner is enjoying the property. In the mean time, the 1<sup>st</sup> and 2<sup>nd</sup> respondents/plaintiffs informed this petitioner that a case is pending before Virudhunagar Court with respect to the above property. After that only the petitioner

came to know about the case. The vendors of this petitioner were already arrayed as defendants 19, 20, 21, 22 and 23 in this case. They did not disclose the fact of pendency of this case at the time of executing the sale deed. Hence the petitioner has to be impleaded as 45<sup>th</sup> defendant in this case.

3) The 3<sup>rd</sup> respondents filed counter contending that this case is pending from the year 2014. This petitioner purchased the properties during the pendency of this case on 21.02.2018. Hence there is no necessity to implead the petitioner as defendant in this case. Hence, the petition has to be dismissed.

4) The 6<sup>th</sup> and 7<sup>th</sup> respondents also filed counter contending that the sale deed in favour of this petitioner is hit by lispendens. The vendors of this petitioner were already arrayed as 18<sup>th</sup> to 23<sup>rd</sup> defendants and hence, this petitioner is not a necessary party in this case and hence this petition has to be dismissed.

5) Other respondents did not file any counter.

6) There is no oral or documentary evidence on both sides.

7) The point for consideration is whether this petition deserves to be allowed?

8) Heard and documents perused.

9) **Point:**

This petitioner herein is the 3<sup>rd</sup> party, who filed this petition to implead him as 45<sup>th</sup> defendant, in this case. The suit is filed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents/plaintiffs for partition of their 2/7 share in the scheduled properties. ;Admittedly during the pendency of the suit, this petitioner purchased some of the suit properties. Now it is the averment on the side of petitioner that at the time of execution of sale deed, the vendors of this petitioner did not disclose about the pendency of this case and so the petitioner was unaware of the pendency of this case. The respondents contended that the suit is pending from the year 2014 and the petitioner purchased the properties only during the pendency of this suit. So the petitioner is a pendente lite purchaser, who is bound by decree and he need not be impleaded.

10) It is seen from the records that the petitioner purchased some of the plaint scheduled properties from defendants 19, 20, 21, 22 and 23 during the pendency of this case. It is also seen that the vendors of this petitioner remained *exparte* in this case. It is the specific case of the petitioner that the vendors of this petitioner did not disclose about the pendency of this case at the time of sale. So it is argued by the learned counsel for the petitioner that the vendors colluded with 1<sup>st</sup> and 2<sup>nd</sup> respondents/plaintiffs and this petitioner has to protect his interest in the suit. In support of his argument, the learned counsel for the petitioner submitted the judgment in the case **Yogesh Goyanka Vs. Govind and others**. Wherein it is held as follows

Civil Procedure Code, 1908 – Or.1 R. 10 -Impleadment of a transferee *pendente lite* who undisputedly had notice of pending litigation – Permissibility – Transferee having a registered sale deed in his favour and thus seemingly acquired an interest in subject land, therefore it would be in interest of justice if appellant is impleaded in underlying suit to protect his interests.

Normally *pendente lite* purchaser is bound by the decree and he need not be impleaded. But, in this case, the vendors of the petitioner remained *exparte*. So to protect the interest of the petitioner in the properties purchased by him, in a suit for partition he is a proper party. By impleading this petitioner, the 1<sup>st</sup> and 2<sup>nd</sup> respondent/plaintiffs will not be prejudiced in any way. Hence this petition has to be allowed.

11) In the result, this petition is allowed. No order as to cost.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in open court, on this the 11<sup>th</sup> day of March, 2025.

(Sd.) T.V.Hemanandakumar,  
Additional District Judge,  
Virudhunagar.

Witness and Exhibits on the side of the Petitioner:

Nil.

Witness and Exhibits on the side of the Respondents:

Nil.

(Sd.) T.V.Hemanandakumar,  
Additional District Judge,  
Virudhunagar.