



WEB COPY



CRP.No.4408 of 2025 and CMP.No.22553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

CRP.No.4408 of 2025

and

CMP.No.22553 of 2025

S.Gunasekar

... Petitioner / petitioner / Third Party

Versus

1. M.Arumugam

2. P.R.Jayanthi

... Respondents / Respondents / plaintiffs

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 18.08.2025 passed in I.A.No.6 fo 2024 in O.S.No.5616 of 2021 on the file of XV Additional City Civil Court at Chennai by allowing this CRP thereby impleading the petitioner as a party / 2nd defendant in the suit.

For Petitioners : Mr.V.Nallasenapathy

For R1 : Mr.Praveenath Selvam
for Mr.S.Ravindranath

ORDER

Unsuccessful third party has preferred the present Civil Revision Petition.

2. The suit is filed for specific performance directing the defendant /



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P.R.Jayanthi to execute the sale deed infavour of the plaintiff selling the suit

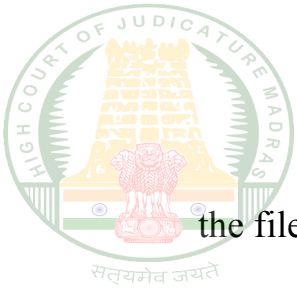
property and receive a sum of Rs.15,00,000/- being the balance of sale price in default of the sale deed to be executed and registered by the officer of this Court in favour of the plaintiff. The defendant has filed a written statement and necessary issues were framed. The trial has been commenced, the plaintiff examined himself as PW1 and Ex.A1 to Ex.A11 were marked. Thereafter, the case was posted for defendant side examination. On behalf of the defendant, defendant examined himself as DW1 and certain documents were also marked. Thereafter, the case was posted for arguments. When the case was posted for arguments, the sole defendant died on 06.04.2024. The plaintiff / M.Arumugam moved an application to implead the legal representatives of the deceased sole defendant and the same was allowed. Steps have been taken. At this stage, the third party, one S.Gunasekar, filed an application in I.A.No.6 of 2024 in O.S.No.5616 of 2021 under Order I Rule 10 of CPC to implead him as the second defendant in the suit. Upon contesting the aforesaid application, the Court below, upon considering the either side arguments, dismissed the application on the ground that the suit proceedings are at the very fag end, at this stage the petitioner preferring this



petition to implead as a party to the suit is nothing but abuse of the process of the Court. Since the suit proceedings is already in the argument stage and trial is over, there is no ground for considering the multiplicity of proceedings. Aggrieved over the same, the third party preferred the present Civil Revision Petition.

3. The learned counsel appearing for the revision petitioner would submit that the proposed party is a necessary party to the proceedings. Upon considering the same, the Court below erroneously dismissed the application.

4. Per contra, the learned counsel for the first respondent / plaintiff would submit that the suit of the year 2017 came to be filed before this Court and in the year 2019 exparte decree came to be passed. Upon filing the Execution Petition, the sale deed came to be executed in favour of the plaintiff. The sale consideration for a sum of Rs.15,00,000/- also came to be deposited before the Court below. Aggrieved over the same, the defendant / Jayanthi has filed an application to set aside the exparte decree and the same was allowed. The suit is set aside and renumbered as O.S.No.5616 of 2021 on



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the file of the XV Additional City Civil Court, Chennai. After demise of sole defendant, the third party has chosen to file an application to implead the party as the second defendant in the suit.

5. By considering the submissions advanced on the either side, it is seen that the sole defendant / Jayanthi died and steps have been taken to implead the legal representatives and the same came to be allowed and the case was posted for arguments. It is seen from the records, in CRP.No.4408 of 2025, that no where it is mentioned that as if the plaintiff / second defendant is alive. At this juncture, therefore, it is necessary to bring the legal heirs on record on behalf of the deceased defendant.

6. Hence, issue notice to the respondents returnable by 06.10.2025. Private notice is also permitted.

7. Post this matter on 06.10.2025.

16.09.2025

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WEB COPY To

The XV Additional City Civil Court, Chennai.



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M. JOTHIRAMAN, J.

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