



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4408 of 2025

AND

**CMP NO. 25773 OF 2025, CMP NO. 22553 OF 2025,
CMP NO. 25770 OF 2025 & CMP NO. 25780 OF 2025**

S.Gunasekar
S/o Swami,
Res at No.38/1, Ramakrishnan Street, Perambur,
Chennai 600 011

..Petitioner(s)

Vs

1. M.Arumugam
S/o Muniappan,
No.247, Kamaraj Street, Kakkanhi Colony,
Vyasarpadi, Chennai 600 039
2. P.R.Jayanthi
W/o P.Ramesh,
No.38/1, Ramakrishnan Street, Perambur,
Chennai 600 011
Presently Res at No.C3, 404, India Bulls
(Greens) Perumbakkam, Kancheepuram Dt

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Order dated 18.08.2025 passed in IA.No. 6 of 2024 in OS.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 Petitioner(s): Mr. V. Nallasenapathy

For Respondent(s): Ms.Sharmila for
Mr.S.Dinesh Babu



ORDER

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Challenging the impugned order passed in I.A.No.6 of 2024 in O.S.No.5616 of 2021 by the learned XV Additional Judge, City Civil Court, Chennai, the Revision Petitioner/third party preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner filed an application under Order I Rule 10 of C.P.C. to implead himself as a 2nd defendant in the suit stating that he purchased the suit property on 20.07.2021 and he claimed that he was in possession of the property. Therefore, he wanted to implead himself, for which the 1st respondent/plaintiff raised objections. On hearing both sides, the trial judge dismissed the application holding that the case is pending for all these years and now the case is posted for arguments on 21.02.2024, at that stage, the application filed by the Revision Petitioner as such is nothing but abuse of process of court as well as to drag on the proceedings. Aggrieved over that, the Revision Petitioner/third party preferred this Civil Revision Petition.

3. The learned counsel for Revision Petitioner would submit that he is a bonafide purchaser of the suit property through a sale deed dated 20.07.2021 and he is the necessary party to the suit, since the 1st respondent/plaintiff had



filed the suit for the relief of specific performance. But, the trial court failed to consider the same and erroneously dismissed the application. Hence, he prayed to set aside the findings of the trial judge.

4. Admittedly, the vendor of Revision Petitioner was died. Therefore, he claimed that he had purchased the property on 20.07.2021 and claimed himself that he is a necessary party to the proceedings. Considering that and also considering the fact that the suit is filed for the relief of specific performance and since the 2nd respondent/defendant remained exparte, an exparte order was passed and she had filed an application to set aside the exparte decree. Pending proceedings in the suit, on 20.07.2021, the revision petitioner purchased the property from the 2nd respondent/defendant and now the 2nd respondent/defendant is no more. So, the revision petitioner is the right person to contest the case. Since the 1st respondent/plaintiff approached the court for the relief of specific performance, pending proceedings, he had purchased the property and he is bound to prove his defence. Hence, he is entitled to implead himself as necessary party in the suit. If suitable opportunity is not given to him, his valuable right to defend the case will be defeated. Therefore, the findings rendered in I.A.No.6 of 2024 in O.S.No.5616 of 2021 by the XV Additional Judge, City Civil Court, Chennai is set aside. Liberty is granted to the 1st respondent/plaintiff to raise all his defence before the trial court by filing reply statement, if any. On hearing both sides, the trial judge is directed to proceed



with the trial and dispose the case within a period of three months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petitions are closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RPP

To

The XV Additional Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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