
(2014) 01 MAD CK 0015

In the Madras High Court

Case No : C.R.P.(PD) No. 2893 of 2011 & M.P. No. 1 of 2011

Venkatachalam

APPELLANT

Vs

Periyasamy

RESPONDENT

Date of Decision : 07-01-2014

Acts Referred:

Citation : (2014) 1 MadWN(Civil) 740

Hon'ble Judges : K. Kalyanasundaram, J.

Bench : Single Bench

Advocate : P. Valliappan, Advocate, for the Petitioner; T. Murugamanickam, Advocate, for the Respondents

Final Decision : Disposed Off

Judgement

K. Kalyanasundaram, J.—This Civil Revision is directed against the Order dated 7.2.2011 passed by the Sub-Judge, Attur, in I.A. No. 161 of 2010 in O.S. No.90 of 2009.

2. The Petitioner is the Plaintiff in O.S. No.90 of 2009 on the file of the Sub-Court at Attur. The Suit was filed for Specific Performance on the basis of an Agreement of Sale dated 2.1.2007. The Petitioner filed an Application in I.A. No. 161 of 2010 to implead Respondents 4 & 5 as Defendants in the Suit. The case of the Petitioner is that the Respondents 4 & 5 purchased the Suit property on 22.10.2009 and therefore, they are necessary and proper parties to the Suit. The learned Sub-Judge dismissed the Application holding that the Suit for Specific Performance can be filed only against the parties to the document and not against any other person.

3. Mr. P. Valliappan, learned Counsel for the Petitioner submitted that only to avoid multiplicity of proceedings, the Petitioner filed the Petition to implead the Respondents 4 & 5 as Defendants in the Suit. Since they have purchased the property after the Agreement of Sale, they are necessary" and proper parties. He also relied on the Judgment reported in K.P. Rajendran v. N.R. Nachimuthu, 2011

(1) CTC 331.

4. Per contra, Mr. T. Murugamanickam, learned Counsel for the Respondents submitted that the Respondents 4 & 5 purchased the property" before filing of the Suit, hence they are not necessary parties in the Suit.

5. In K.P. Rajendran v. N.R Nachimuthu, 2011 (1) CTC 331, this Court has held that subsequent purchasers are proper and necessary parties and they have to be impleaded in the Suit.

6. In the light of the judgment referred supra, the Order passed by the learned Sub-Judge, Attur in I.A. No.161 of 2010 in O.S. No.90 of 2009 is set aside and the Civil Revision Petition is allowed. Connected Miscellaneous Petition is closed.