

**In the court of the Sessions Judge, Mahila Court,
Kancheepuram District at Chengalpattu**

**Present : Tmt.G.T.Ambika, B.A.,B.L.,
Sessions Judge, Mahila Court,
Kancheepuram District at Chengalpattu.**

Tuesday the 22nd day of September 2020.

**I.A.No.140/2006
in
O.S.No.65/2005**

1.Mr.Raja

.. Petitioner/Plaintiff

Vs.

**1.Mrs.Kamalammal
2.Mr.Annamalai
3.Mr.Loganathan
4.Mr.Padmababhan
5.Mrs.Saraswathi @ Boomi
6.Mrs.Malliga
7.Mrs.Padmavathi
8.Mrs.Neelavathi
9.Mrs.Seethalakshmi
10.Mrs.Paripuranam
11.Mr.Sekar.
12.Mr.Elumalai.
13.Mrs.Umapathi
14.Mrs.Parvathi.
15.Mrs.Radha.
16.Mr.Paramasivam.
17.Mrs.Raniammal
18.Mr.Mahalingam
19.Mrs.Jaya.
20.Mrs.Vasanth
21.Mrs.Saroja.
22.Mr.Natarajan.
23.Mrs.Chandra.**

24.Mrs.Saroja
 25.Mrs.Chinnammal
 26.Mrs.Pattammal.
 27.The Sub Registrar, Vellacheri.
 28.The Sub Registrar, Guduvancheri.

..Existing Respondents/defendants.

29.Mr.Selvaraj.
 30.Mr.Sadagopan
 31.Mr.Babu.
 32.Mr.Ramesh
 33.Mr.Murali.
 34.Mr.Srinivasan
 35.Mrs.Seethalakshmi
 36.Mr.Sivaraj
 37.Mr.Dhandapani
 38.Mrs.Jayalakshmi
 39.Mr.Srinivasan
 40.Mr.Ganesan
 41.Mr.Raman
 42.Mr.Ragunathan
 43.Mr.Sundaram
 44.Mr.Natarajan
 45.Mr.Veerassamy
 46.Mrs.Chakku Bai.
 47.Mr.Natarajan
 48.Mr.Ravi
 49.Mr.Raghavan
 50.Mrs.Rukmani
 51.Mr.Thirunavukarasu.

.. Proposed respondents/defendants

This petition came up on 22.9.2020 before me for final hearing in the presence of Thiru.K.Raghuraj, learned counsel for the petitioner/plaintiff and of Thiru.N.Karunanithi, learned counsel for the R29 to R35, R37 to R39, R41 to R47 & R49 & R50 and other respondents called absent and set exparte and upon perusing the case records and having stood over for consideration till this day, this court delivered the

following:

ORDER

This petition is filed to implead the proposed respondents as defendants 29 to 51 in the suit under Order 1 Rule 10(2) r/w.151 of CPC.

2. The brief averments made in the affidavit filed herein:-

The petitioner is the plaintiff in the above suit. The suit is filed for partition. The petitioner's brother Paramasiva Naicker filed a partition suit OS.54/1990 before the Additional sub Judge at Chengalpattu in respect of the suit properties. The petitioner also one of the defendant in the said suit. Pending suit the 1st defendant's legal heirs in the said suit are going on selling the part of the suit properties to different parties. Since the petitioner also entitled share in the suit properties, subsequent to the suit the petitioner filed the above suit for partition for consequential injunction for not to alienate the suit properties to third parties. While pending suit the defendants 1 to 10 are going on selling the part of the suit properties to different parties i.e. respondents 29 to 51. These persons have purchased plots knowing fully well of the pendency of the suit. These parties are also taking steps to make construction in the properties purchased by them. Hence the subsequent purchasers are proper and necessary parties in the suit. Hence this petition is filed to implead the respondents/proposed defendants in the suit and rank them as defendants 29 to 51 in the suit.

3. **The averments of the counter filed by Respondents:**

The averments contained in the affidavit are false and untrue and not at all maintainable in law and on facts. While without exhausting the remedy available in OS.No.54 of 1990, the present suit is unsustainable and the same cannot be entertained and it will be barred by the principle of resjudicata. The petitioner did not furnish the full particulars about the pendency of the suit in OS.54 of 1990. This respondent has purchased the property as plots in the year 1996 itself. i.e. will ahead before the date of this suit. The respondent has purchased the property as plot comprised in Survey Nos.227/1 to 227/7. As a matter of fact, after having purchased the property in the year 1996 and thereafter the respondents had put up their construction and are residing. the respondents have invested huge amount by availing house building loan with the Government and private parties. The respondents are in possession and enjoyment of the same in the capacity of the purchaser of bonafide grounds. Therefore, the claim of the plaintiff to implead us as parties is devoid and merits.

4. The point for consideration in this petition is:-

Whether the petition is allowed or not?

5. **Point:-**

Perused petition, in the interest of justice and for effective determination of all disputable issues in the suit, this court is inclined to allow this petition.

6. In the result this petition is allowed. There is no order as to costs.

Directly dictated to the stenographer and typed by her directly in the computer and corrected and Pronounced by me in open Court on this the 22nd day of September 2020.

(Sd/-G.T.Ambika)
Sessions Judge,
Mahila Court, Chengalpattu.

Draft/Fair Order:
I.A.No.140/2006 in OS.No.65/05
Dated: 2209.2020
S.J/M.C. Chengalpattu.