

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
Principal District Judge, Coimbatore.**

Wednesday, this the 28th day of January 2026

**திருவள்ளூர் ஆண்டு 2056 தமிழ் விசுவாசு ஆண்டு தை மாதம் 14ம் நாள்
புதன்கிழமை**

I.A.No.8/2025 in O.S.No.49/2023

D.Vignesh

... Petitioner / Plaintiff

//vs//

1. Saraswathi
2. M/s.Sri Abirami Real Estate Promoters,
represented by its Manager.
3. M/s.State Bank of India,
Race Course Road Branch,
represented by its Manager,
Coimbatore – 641 018.
4. M/s. Canara Bank,
Trichy Road Branch,
represented by its Manager.
5. M/s.Kotak Mahindra Bank Limited,
Nava India,
represented by its Branch Manager.
6. M/s. Sakthi Finance Limited,
represented by its Branch Manager,
Coimbatore – 641 018.

... Respondents 1 to 6/
Defendants

7. M/s. Coimbatore City Co-operative
Bank Limited, Ramanathapuram Branch,
Coimbatore.

... Respondent No.7 / Proposed
party

This petition came up on 23-01-2026 for hearing before this Court in the presence of **Thiru.P.Venkitapathy**, Advocate for the Petitioner/Plaintiff and of **Thiru.S.Manikandan**, Advocate for the 1st Respondent and of **Thiru.K.M.Dinakar**, Advocate for the Respondent No.7, and the Respondents No.2 to 6 remained exparte in the suit upon and upon hearing both sides arguments, perusing petition, counter and other relevant records, having stood over for consideration till this date, this Court passes the following:

ORDER

This is an application filed by the Petitioner, under Order 1 Rule 10 and Section 151 of CPC, seeking to implead the 7th Respondent/Proposed party herein as the 7th Defendant in the above suit.

2. The gist of the averments is as follows :-

i. The Petitioner is the Plaintiff in the above suit. The Petitioner has filed the above case against the Respondents for partition, permanent injunction and other reliefs. The contentions raised in the plaint may be read as part and parcel of this affidavit at the time of disposal of the same. The Petitioner is well acquainted with the facts and

the circumstances of the case. The 1st Respondent herein, has also filed a Probate OP No.11 of 2022 against him alone, before this Court alleging to probate the alleged Will dated 15.04.2021 said to be allegedly executed by his father D. Dhanabal. The Petitioner has filed a detailed Counter statement in the said case and the same may be read as part and parcel of this affidavit at the time of disposal of the same.

ii. The Petitioner has filed the above case against the Respondents, seeking partition of the immovable properties mentioned in the Item No.1 to Item No.3 and movables such as amounts given for booking sites, amounts in the Saving Bank account and Fixed deposit amount in the hands of the defendants 2 to 6, Maruthi Swift Desire car in Item 4 property of the plaint, which are the self-acquired properties of his father and obtained by Will from her maternal aunt Angathal. In the above case both the suit and the Probate OP has been taken for joint trial as per orders in TROP No. 407 of 2023 and the evidence were recorded in the above suit. The 1st Respondent alone contesting the case and the other Respondents were remained exparte. The 1st Respondent herein, has let in evidence first in the above case and the defendant side evidence has been closed with PW3 and presently posted for my side evidence

iii. During the course of trial in this partition suit, the defendant examined herself and certain witnesses on her side. In their evidence, the 1st Respondent/1st Defendant and her witnesses have introduced new facts and relied upon the alleged Will dated

15.04.2021, allegedly stating that it was executed by his father voluntarily and in sound disposing state of mind, which is a false and incorrect one.

iv. The above case is posted for adducing his evidence. Recently only, he learnt that his father Late. R Dhanabal, also had a Savings Bank account with Account number 1853 and the Fixed deposits in M/s. Coimbatore City Co-operative Bank Ltd., ie, the 7th Respondent/Proposed party herein. 1st Respondent herein has marked the saving Bank pass book and also the Fixed deposit receipt with the 7th Respondent as Exhibits B-11 and B-12 and she has also during her cross examination on 04.11.2025 has categorically admitted the same and stated that during the pendency of the case she has taken the entire amount in the Saving Banks Account Rs.46,000/- and also the amount in the Fixed deposit both totaling to Rs.1,18,000/- with the 7th Respondent herein, which is a Lis pendens transfer in order to defeat and defraud his legitimate share in it. The 1st Respondent has no right to do so and she is not entitled for the entire amount and he is also having legitimate half share in it.

v. The real facts of the same will come to lame light only from the 7th Respondent/Proposed party and he is a proper and necessary party to the present proceedings and by inadvertently they were not added as a party in the suit. In order to avoid unnecessary future complications and multiplicity the proposed party/7th Respondent herein has to be added as the 7th Defendant in the present suit proceedings in the interest of justice. The Petitioner was neither negligent nor

careless in filing the above application and only due to the reasons said supra. Hence, he has come forward with this application to implead the 7th Respondent/Proposed party as the 7th Defendant in the above case for the proper and effective adjudication of the case.

vi. Unless the 7th Respondent/Proposed Party is impleaded as 7th Defendant in the suit, he will be put to great loss and much hardship. It is therefore prayed to implead the 7th Respondent/Proposed Party herein as the 7th Defendant in the above suit and pass suitable orders and thus render justice.

3. The gist of the counter statement filed by the Respondent No.7 is as follows :-

i. The petition is not maintainable in law. The Petitioner is strict proof of the averments made in the petition. Except the facts admitted by the Respondent herein, all the other allegations stated by the Petitioner are false.

ii. The allegations stated by the Petitioner in para Nos.2 and 3 in the affidavit that with regard to the properties of Angathal and her alleged execution of Will and the alleged execution of Will dated 15-04-2021 allegedly executed by the father of the Petitioner and husband of the 1st Respondent namely Dhanabal, had not come to the knowledge of the 7th Respondent.

iii. The above said Late Dhanabal had maintained a savings account in Account No.1853 in the Respondent herein Ramanathapuram branch bank and had a fixed deposit receipt dated 24-07-2020 vide receipt Nos.85869/2 and 85870/2 for a sum of

Rs.22,336/- and Rs.37,539/- respectively and he had appointed his wife namely the 1st Respondent herein as his nominee and after the demise of the said Dhanabal on 18-05-2021, the 1st Respondent approached the Respondent bank herein along with the documents and therefore the Respondent bank herein disposed the amount stands in the name of Dhanabal to the 1st Respondent on 20-10-2022.

iv. Therefore, the petition filed by the Petitioner to implead the Respondent herein as a party in the suit is not necessary and the Respondent bank here can only be examined as witness and hence the petition is liable to be dismissed and prays to dismiss the petition.

4. The point for consideration :

Whether the 7th Respondent/Proposed party herein has to be impleaded as the 7th Defendant in the above suit or not? is the point for consideration.

5. On the side of the Petitioner as well as Respondents, no oral evidence was adduced and document was marked.

Point :

6. Heard both sides and perused the relevant records. It is the case of the Petitioner that, the Petitioner has filed the above suit against the Respondents for the reliefs of partition, permanent injunction and other reliefs and the 1st Respondent herein has also filed a petition in Probate OP No.11/2022 against the Petitioner herein and the same is also pending before this Court and both the above suit and probate OP has

been taken for joint trial as per the orders passed in TROP No.407/2023 by this Court. During the cross examination of the 1st Respondent herein, it came to the knowledge of the Petitioner that, his father Late Dhanabal, also had a saving bank account and fixed deposit with the 7th Respondent herein and during the pendency of the case, she has taken the entire amount from the 7th Respondent bank. Since she is not entitled for the entire amount and the Petitioner is also having legitimate half share in it, the 7th Respondent is a proper and necessary party to the present proceedings and by inadvertently they were not added as a party in the suit. Therefore, in order to avoid unnecessary future complications and multiplicity, the proposed party/7th Respondent has to be added as the 7th Defendant in the above suit in the interest of justice and prays to allow the petition.

7. It is the contention of the 7th Respondent herein the allegations stated by the Petitioner in para Nos.2 and 3 in the affidavit that with regard to the properties of Angathal and her alleged execution of Will and the alleged execution of Will dated 15-04-2021 allegedly executed by the father of the Petitioner and husband of the 1st Respondent namely Dhanabal, had not come to the knowledge of the 7th Respondent. The above said Late Dhanabal had maintained a savings account in Account No.1853 in the Respondent herein Ramanathapuram branch bank and had a fixed deposit receipt dated 24-07-2020 vide receipt Nos.85869/2 and 85870/2 for a sum of Rs.22,336/- and Rs.37,539/- respectively and he had appointed his wife namely the

1st Respondent herein as his nominee and after the demise of the said Dhanabal on 18-05-2021, the 1st Respondent approached the Respondent bank herein along with the documents and therefore the Respondent bank herein disposed the amount stands in the name of Dhanabal to the 1st Respondent on 20-10-2022. Therefore, the petition filed by the Petitioner to implead the Respondent herein as a party in the suit is not necessary and the Respondent bank here can only be examined as witness and prays to dismiss the petition.

8. The learned counsel for the 1st Respondent has submitted that the petition may be allowed on cost.

9. This Court has given its anxious consideration on the rival contentions of the both the parties. The present application is filed by the Plaintiff to implead the proposed party namely the 7th Respondent bank as 7th Defendant in the above suit. It is evident from the records that the Petitioner/Plaintiff has filed the suit seeking partition of the immovable and movable properties of his father. Further, it is evidence that, the 1st Respondent herein who is his mother, has filed a probate OP No.11/2022 against him. The learned counsel for the Petitioner contended that, it was came to the knowledge of the Petitioner about the savings bank account with Account No.1853 and fixed deposits with the 7th Respondent/proposed party herein maintained by his deceased father only recently and the 1st Respondent herein has marked the saving bank pass book and also the fixed deposit receipt with the 7th

Respondent as Ex.B-11 and B-12 and she has also during her cross examination has categorically admitted the same and stated that during the pendency of the case she has obtained the entire amount from the 7th Respondent. The learned counsel for the Petitioner further contended that, the 1st Respondent is not entitled for the entire amount and the Petitioner is also having legitimate half share in it and hence in order to avoid unnecessary future complications and multiplicity, the proposed party/7th Respondent herein has to be added as the 7th Defendant in the above suit in the interest of justice. The 7th Respondent/proposed party herein have objected that the 7th Respondent bank had already disbursed the amount of the deceased Dhanabal to the nominee namely the 1st Respondent herein and the 7th Respondent is not a necessary party to the suit and prays to dismiss the petition.

10. After considering all the above said aspects, this Court is of the considered view that in the facts of the case, where a partition was sought with regard to the immovable and movables of the deceased Dhanabal and when the 1st respondent has marked the saving bank pass book and the fixed deposit receipt stands in the name of deceased Dhanabal with the 7th Respondent, the 7th Respondent herein has to be impleaded as a party in the suit. Therefore, in order to avoid multiplicity of proceedings and to settle all questions involved in the suit, this Court is inclined to allow the petition.

Hence this petition is allowed. However there is no order as to cost.

Dictated to the Steno-typist directly and typed by her in the computer, corrected and pronounced by me in the open court, this the 28th day of January 2026.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE

Principal District Court,
Coimbatore
I.A.No.8/2025
in
O.S.No.49/2023
Dt : 28-01-2026
Draft/Fair Order