

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2056 Visvavasu year, 20th day of Month of Aippasi

Thursday the 6th day of November 2025

I.A.No.36/2025

in

O.S.No.853/2017

Ranganathan Duraisamy

... Petitioner/3rd party

/VS/

1.R. Raja

...Respondent/Plaintiff

2. Ponnusamy

3. S. Rajamani

4. R. Viswaputhiramani

5. S. Subbulakshmi

6. S. Sundarajan (Died by LRs)

7. D. Balasubramaniam @ Balasundaram (Died)

8. R. Venkatachalapathy @ Venkatesan (Died by LRS)

9. E. Vijayakumar

...Respondents/Defendants

This petition is coming on this day for final hearing before me in the presence of Mr.P.Sampath, Advocate for the Petitioner/3rd Party and Mr.S.Chandrasekaran, Advocate for the 1st Respondent and the 2nd to 5th , 9th Respondents are exparty in main suit and the 6th to 8th Respondents are reported died

and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioners under order 1 rule 10(2) and section 151 of CPC to implead the petitioner as a defendant in the OS.853/2017.

1. The brief averments of the affidavit filed by the petitioners as follows:

1.1. The Petitioner is the 3rd party in the above suit. The petitioner's late grandfather Ganapathy Gounder had executed a will in the year 1974 and now the plaintiffs are challenging the Will. Subsequently, Petitioner's brother Late. D.Balasubramaniam, in the year 2024 had executed a registered will bequeathing certain properties in favour of petitioner/ 3rd Party and other properties in favour of his son Sakthivel. In the said Will Petitioner brother had mentioned certain civil case numbers, whereby outcome of the case will determine the title of the beneficiaries. Hence, Petitioner being one of the beneficiaries is a necessary party to the above case. Petitioner immediately filing this application to implead petitioner/ 3rd Party as one of the parties humbly submit that only two days back Petitioner came to know about the Will and in the above suit. Petitioner have fair chance to succeed in the above suit. Hence, this petition is to be allowed.

2. The brief averments of Counter statement filed by the 1st Respondent/Plaintiff as follows:

2.1. The petition is false, frivolous and unsustainable in law and on facts of the case. The petitioner is put to strict proof of all the allegations except those that are specifically admitted herein. This suit has been filed in the year 2016 seeking for the relief to set aside the Lok Adalath award obtained by the defendants herein with respect of properties owned by this respondent/plaintiff. Whereas, the family members of the defendants herein have repeatedly filing frivolous and vexatious

petitions after petitions on one ground or another in collusion with each other in order to drag the proceeding by having known that they have no merits. Respondent stoutly denies the alleged Will of the year 1974 as well as any Will purportedly executed by the Late. D.Balasubramaniam, In fact, This petitioner has failed to produce any credible documents to prove any legal right title of interest over the suit property.

2.2. Though this respondent filed the above suit against D.Balasubramaniam as defendant no.6. Who in turn did not at all file any written statement in the above suit and thereby, he was set ex-parte long back While so, at present this petition has been filed in collusion with other respondents. The averments in the affidavit are patently insufficient neither to file Counter Statement nor to satisfy the court to prove any semblance of title to the petitioner with respect of suit property. The actions of defendant's family amount to nothing short of harassment against this respondent, who is true and lawful owner of the suit property.

2.3. This respondent reiterates that he is the absolute owner of suit property over which neither Balasubramaniam nor petitioner had any right. Hence, the present petition is devoid of any merits and appears to be stratagem to protract the litigation indefinitely. Hence, the petitioner is to be dismissed.

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 1 rule 10(2) and section 151 of CPC to implead the petitioner as a defendant in the OS.853/2017 is to be allowed?

5. Points :-

5.1. The petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. Petitioner's brother Late.D.Balasubramaniam, in the year 2024 had executed a registered will bequeathing certain properties in favour of Petitioner and other properties in favour of his son Sakthivel. In the said Will Petitioner's brother had mentioned certain civil case numbers, whereby outcome of the case will determine the title of the beneficiaries. Hence, Petitioner being one of the beneficiaries is a necessary party to the above case..

5.2 The 1st and 2nd Respondents/Plaintiffs filed Main suit for declaration to declare that the decree in O.S.No.2216/2012 on the file of District Munsif of Coimbatore as per Lok Athalath held on 20.04.2013 at Coimbatore and got the decree registered as Doc.No.5648/2013 at SRO, Annur as null and void and declaration to declare that the alleged Sale Agreement dated 24.07.2013, registered as Doc.No.6142/2013 at SRO, Annur executed between 6th and 8th Defendants as null and void on the ground of fraud and collusion and for Permanent Injunction restraining the Defendants, their men, agents and servants from in anyway interfering with peaceful possession and enjoyment of suit property by plaintiffs.

5.3. In the Original suit, the Defendants have been set exparte. The suit is now pending for written statement of 17th defendant. In this situation, it is stated that the Suit property was bequeathed to Balasubramaniam through a Will. Further, Balasubramaniam is said to have executed a Will in favour of the Petitioner, and based on that Will in favour, the Petitioner claims to be the rightful owner of the suit property.

5.4. Since the Petitioner claims to be the owner of the suit property, an opportunity is granted to him and hence, the said Petition is allowed. Whether the

Petitioner has proved his case through the Will document will be decided at the conclusion of the main suit, as determined by the Court.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 6th day of November 2025.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on petitioner side:-

Nil

List of witnesses and documents on Respondents side:-

Nil

Sd/M.Santhosham
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.36/2025 in
O.S.No.853/2017
Dated:06.11.2025
DMC, Sulur