

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

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

**District Munsif, Sulur**

Thiruvalluvar year 2056 Visvavasu year, 25<sup>th</sup> day of Month of Aippasi

Tuesday the 11<sup>th</sup> day of November 2025

**I.A.No.7/2025**

**in**

**O.S.No.58/2023**

R.Sekar

...Petitioner/ Plaintiff

/ Vs /

1. S.Anita

2. The Sub Registrar,

Sulur Sub Register Office

...Respondents/ Defendants

3. The Tahsildar,

Sulur Taluk.

4. The District Collector,

Coimbatore – 18.

...Proposed Parties

This petition is coming on this day for final hearing before me in the presence of Mr.S.Marimuthu, Advocate for the Petitioner and Mr.M.Ponnusamy, Advocate for the 1<sup>st</sup> Respondent and the 2<sup>nd</sup> Respondent being called absent set exparte and Mr.S.Mahendran, Additional Government Pleader for 3<sup>rd</sup> and 4<sup>th</sup> Respondents and upon hearing of both parties and upon perusing the records and having stood over for consideration till this day this Court delivered the following :

**ORDER**

Petition filed by the petitioner under Order 1 Rule 10 and section 151 of CPC to implead the Tahsildar, Sulur Taluk and The District Collector, Coimbatore District as the defendants/respondents 3 and 4 in the main suit, as well as Interim Petition.

**1. The brief averments of the affidavit filed by the Petitioner as follows:-**

1.1. The Petitioner/Plaintiff filed the suit for declaration and Permanent injunction against the 1<sup>st</sup> defendant. The suit property originally belongs to the 1<sup>st</sup> respondent/1<sup>st</sup> defendant by way of registered sale deed No.9989/2008 dated 19.09.2008 and was in the peaceful possession and enjoyment of the same. The 1<sup>st</sup> respondent/1<sup>st</sup> defendant is petitioner/plaintiff's brother's daughter. The 1<sup>st</sup> respondent/1<sup>st</sup> defendant in the year 2010, approached the petitioner/plaintiff to sale the schedule mentioned property to meet out her urgent family expenses. The 1<sup>st</sup> respondent/ 1<sup>st</sup> defendant have executed general power of attorney vide doc.No.766/B4/2010 in favour of petitioner/plaintiff to elicited to executed the sale deed to any third party's also the 1<sup>st</sup> respondent/1<sup>st</sup> defendant hand over the original sale deed to petitioner/plaintiff.

1.2. The petitioner/plaintiff with intention to assist the respondent/defendant to meet out her immediate needs, agreed to purchase the suit property, in lieu to the sale to the third persons and paid an amount of Rs.1,10,000/- as the total sale consideration to the 1<sup>st</sup> respondent/1<sup>st</sup> defendant executed the receipt in favour of petitioner/plaintiff dated on 16.03.2016 in the presence of the witnesses, on the same date with the assurance to give life certificate, to enable the petitioner/plaintiff execute the sale deed in favour of others as and when its required.

1.3. August 2022, the petitioner/plaintiff approached the 1<sup>st</sup> respondent/ 1<sup>st</sup> defendant to get life certificate, and to execute the sale deed, in favour of third party. But the respondent/defendant failed to co-operate petitioner/plaintiff to get life certificate also demanded to hand over the original sale deed which was given to petitioner/plaintiff at the time of execution of power of attorney. Further the respondent/defendant attempted to cancel the power of attorney, contrary to the contract entered with petitioner/plaintiff to sale the suit property by receiving the sale consideration. Then the petitioner/plaintiff with no other option, taken steps

prevent petition to the cancellation of power of attorney through the office of the 2<sup>nd</sup> defendant vide his application number SOIL ANDVV 2022/21495/23441 dated 14.12.2022 in the office of the Sub Registrar, Sulur, Coimbatore by filing complaint in the Race Course Police Station, and filed against the 1<sup>st</sup> respondent/ 1<sup>st</sup> defendant vide CSR No.662/2022 dated 29.08.2022.

1.4. The 1<sup>st</sup> respondent/1<sup>st</sup> defendant send the legal notice dated 27.02.2023 thereby calling petitioner/plaintiff to cancel the power of attorney dated 20.06.2010 and to handover the sale deed. After receipt of the legal notice the petitioner/plaintiff have send the reply notice dated 02.03.2023 to the 1<sup>st</sup> and 2<sup>nd</sup> defendants instructing the 1<sup>st</sup> respondent/ 1<sup>st</sup> defendant to give the life certificate, and to drop any steps to cancel the power of attorney. The 1<sup>st</sup> and 2<sup>nd</sup> respondents/defendants received the notice on 03.03.2023, but without follow the instruction of petitioner/plaintiff reply notice, the 1<sup>st</sup> respondent/1<sup>st</sup> defendant cancel the power of attorney vide doc.No.7179/2023 dated 10.05.2023 without knowledge of petitioner/plaintiff and also the 1<sup>st</sup> respondent/1<sup>st</sup> defendant attempted to sale the suit property to the third persons with intention to cheat and defraud of petitioner/plaintiff also the 2<sup>nd</sup> defendant neglected to consider the prevent application of petitioner/plaintiff and cancel the General power of attorney without seeking production of original power of attorney which was intimated through the official letter dated 04.03.2023.

1.5. After cancellation of power of attorney the 1<sup>st</sup> respondent changed the patta in her name, which is known by the petitioner/plaintiff on the petition filed by the 1<sup>st</sup> respondent to receive the additional document, and served the patta copy to petitioner/plaintiff. It is further known by the petitioner/plaintiff is that the Air Port Authority is expected to acquire the suit property for extention of Airport in Coimbatore. The detailed proposal one prepared by the Tahsildar, Sulur Taluk, the suit property situated in Appanaickenpatti, comes under the jurisdiction of the Sulur

Taluk.

1.6. After mutation of Revenue record the 1<sup>st</sup> respondent approached the Tahsildar, Suler Taluk to sold the suit property by suppressing the fact of the pendency of suit and gave application. Hence, it is necessary to implead the Tahsildar, Suler Taluk and The District Collector, Coimbatore District as the defendant/respondents 3 and 4 in the main suit, as well as Interim petition for purpose of not to purchase or acquired the suit property from the 1<sup>st</sup> respondent since the 1<sup>st</sup> respondent received the sale consideration, by execution of the power of attorney in favour of petitioner/plaintiff. Unless the petitioner/plaintiff will be put to much loss and hardship. Hence, the petition.

## **2. The brief averments of Counter filed by the 1<sup>st</sup> Respondent as follows:**

2.1. The petition is false, frivolous and unsustainable in law and on facts. The suit property is absolutely belonged to 1<sup>st</sup> respondent through registered sale deed dated 19.09.2008 and the 1<sup>st</sup> respondent is in peaceful possession and enjoyment of the suit property from the date of the sale deed dated 19.09.2008 till this date. It is true that this defendant had executed the registered general power of attorney deed dated 29.06.2010 in favour of the plaintiff in respect of the suit property and handed over original sale deed dated 19.09.2008 and other original documents to the petitioner.

2.2. 1<sup>st</sup> respondent had appointed the petitioner as her General Power of Attorney under the general power of attorney deed dated 29.06.2010 to sell the suit property. The 1<sup>st</sup> respondent had not received any money from the petitioner at the time of execution of power of attorney deed. After execution of power of attorney deed, the petitioner had not taken any steps to sell the suit property. Meanwhile, the 1<sup>st</sup> respondent's husband died on 12.02.2014. When the 1<sup>st</sup> respondent approached the petitioner and asked about sale of suit property for which the petitioner has not given proper reply with 1<sup>st</sup> respondent and whereas the petitioner has demanded and

got two signatures of this defendant in a blank white sheet papers. After that the petitioner has not taken any endeavor to sell the suit property.

2.3. Since the petitioner had not taken any steps to sell the suit property, this 1<sup>st</sup> respondent has issued lawyer notice dated 27.02.2023 to the petitioner and called him to cancel the power of attorney deed dated 29.06.2010 and hand over all original deeds to 1<sup>st</sup> respondent. The petitioner has issued a reply notice dated 02.03.2023 through his counsel with false and untenable allegations. Hence, 1<sup>st</sup> respondent has cancelled the general power of attorney deed dated 29.06.2010 through cancellation of general power of attorney deed dated 10.05.2023. After execution of the cancellation of general power of attorney deed dated 10.05.2023 the petitioner has no right over the suit property. The petitioner is bound and liable to return the original documents to 1<sup>st</sup> respondent.

2.4. The 1<sup>st</sup> respondent has sent registered letter dated 18.05.2023 to the petitioner by informing the cancellation of power of attorney deed dated 10.05.2023. The petitioner has received this defendant's registered letter dated 18.05.2023. This defendant has lodged Police complaint dated 24.05.2023 against the petitioner before Coimbatore Kattoor Police Station for getting original documents from the petitioner. Under the receipt No.428/2023, Kattoor Police issued receipt in favour of 1<sup>st</sup> respondent on 24.05.2023. The petitioner is in illegal and unauthorized custody of 1<sup>st</sup> respondent's original documents.

2.5. It is totally false and incorrect to state that the petitioner paid an amount of Rs.1,10,000/- as total sale consideration for the suit property to the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent never received any amount from the petitioner on 16.03.2016 or any other date. The 1<sup>st</sup> respondent has not execute any receipt in favour of the petitioner. Hence, the alleged receipt dated 16.03.2016 is false, created, fabricated and forged one. The signatures found in the alleged receipt dated

16.03.2016 are not belonged to her. The witnesses mentioned in the alleged receipt are not known to 1<sup>st</sup> respondent. The petitioner has forged the 1<sup>st</sup> respondent 's signatures and created the forged receipt with his close associates. The petitioner has created the alleged receipt with intent to grab 1<sup>st</sup> respondent's suit property.

2.6. The petitioner had not taken any steps for 13 years to sell the suit property. But the petitioner has created forged receipt dated 16.03.2016 with intent to grab the 1<sup>st</sup> respondent's property. The 1<sup>st</sup> respondent has every right to sell the suit property to 3<sup>rd</sup> parties. The petitioner has no right, interest or possession over the suit property. Mere illegal custody of 1<sup>st</sup> respondent's original documents will not create any right, interest or possession over the suit property infavour of the petitioner/plaintiff. The 1<sup>st</sup> respondent has cancelled the Power of Attorney with bonafide intention as per law. All Revenue records stand in the name of this 1<sup>st</sup> respondent in respect of the suit property. The 1<sup>st</sup> respondent is the absolute and exclusive owner of the suit property. The 1<sup>st</sup> respondent is in absolute possession and enjoyment of the suit property.

2.7. The 3<sup>rd</sup> and 4<sup>th</sup> respondents are totally unnecessary parties to the suit. This respondent has no knowledge about the allegation that Airport Authority is expected to acquire the suit property for extention of Airport in Coimbatore. It is not admitted that the detailed proposal was prepared by Tahsildar, Sular. The petition is filed with intent to harass this respondent. The petitioner is not entitled to get any relief in this petition against this respondent and proposed parties. Impleading petition is totally unnecessary one. Hence, the petition ought to be dismissed.

3. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents stated that no counter.

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

**5. Point for Consideration:-**

Whether the petition under Order 1 Rule 10 and section 151 of CPC to implead the Tahsildar, Sulur Taluk and The District Collector, Coimbatore District as the defendants/respondents 3 and 4 in the main suit is to be allowed?

**6. Points:-**

6.1. 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. The main suit is filed for Declaration and Permanent Injunction. Now the suit is in the stage of Trial.

6.2. The Petitioner stated that, his brother's daughter the 1<sup>st</sup> respondent had given power of attorney to deal with the suit property and she received Rs.1,10,000/- as a sale consideration on 16.03.2016 and she given a receipt. After that, the petitioner had given Police complaint before Race Course Police Station by stating, the defendant have refused to give life certificate to the plaintiff to take further action on the general power of attorney deed to deal with property. The 1<sup>st</sup> respondent issued notice on 27.02.2023 to petitioner to hand over the original sale deeds and cancelled the power of attorney deed. The reply issued by the petitioner dated 02.03.2023. After receiving the sale consideration, the 1<sup>st</sup> respondent have not come forwarded to give life certificate to deal with power and presently the 1<sup>st</sup> respondent have cancelled the general power of attorney deed given to the petitioner. After mutation of Revenue record the 1<sup>st</sup> respondent approached the Tahsildar, Sulur Taluk to sold the suit property. Hence, the petitioner implead the 3<sup>rd</sup> and 4<sup>th</sup> respondents as defendants in main suit.

6.3. On the side of 1<sup>st</sup> respondent, R1 has denied the execution of sale receipt. Further 1<sup>st</sup> respondent contented on repeated insists, the petitioner have not return the original title document, therefore the 1<sup>st</sup> respondent cancelled the power of attorney by complying the provisions of law before cancellation and after

cancellation of power of attorney. The petitioner is not entitled to get any relief in this petition against this respondent and proposed parties.

6.4. The main suit is filed for the relief of declaration to declare the cancellation of power of attorney executed by 1<sup>st</sup> defendant is null and void and to restrained the 1<sup>st</sup> defendant and his men and hench men not to alienate the suit property. The execution of power of attorney admitted by both side. The execution of sale receipt is denied by the 1<sup>st</sup> defendant. Hence, the suit main prayer is cancellation of power of attorney executed by the 1<sup>st</sup> defendant in favour of plaintiff. The prayed only against the 1<sup>st</sup> defendant. Hence, the Tahsildar, Sulur Taluk and District Collector, Coimbatore District are unnecessary party to the suit proceedings. Hence, this petition is dismissed.

**In the result, this petition is dismissed. No cost.**

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 11<sup>th</sup> 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.7/2025 in  
O.S.No.58/2023  
Dated:11.11.2025  
DMC, Sulur