

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : **Tmt.N.Renuga.**, B.A., B.L.,

District Munsif, Sulur

Friday the 31st day of January 2025

I.A.No.10/2024

in

O.S.No.101/2020

Smt.Gowriyammal

...Petitioner/Plaintiff

/VS/

1. Smt.R.Shanthamani

2. A.Dhanapal

3. The Sub Registrar, Sulur

...Respondents/defendants

4. K.Sivakumar

5. K.Markandeyan

6. P.Kandasamy

...Respondents/ Proposed parties

This petition coming on 30.01.2025 for final hearing before me in the presence of Thiru.S.Somasundaram, and Tmt.D.Chitra Advocates for the Petitioner and, Thiru.R.Viswanathan, Advocate for the 1st and 2nd Respondents and Thiru.Government Pleader for the 3rd Respondent and Mr.N.J.R.Ashokraj, Advocate for proposed party and upon perusing the records, and this court made the following:

ORDER

This petition filed Under Order 1 Rule 10 and section 151 of CPC to implead

respondents / proposed parties 4 to 6 as necessary parties in the suit.

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

1.1. The petitioner filed the main suit for declaration and mandatory injunction and the said suit was dismissed for default on 14.10.2020. Subsequently the petitioner filed restoration application in the meantime the 4th and 5th respondents purchased the suit property from 1st and 2nd defendants on 18.05.2022. Subsequently they sold the suit property to the 6th respondent on 27.12.2022. Hence, the proposed respondents are necessary party to this proceedings. Hence, this petition has to be allowed.

2. The brief averments of Counter statement filed by the 1st and 2nd and 4th and 5th

Respondents as follows:

2.1. The petition is false, frivolous not maintainable either in law or on facts of the case. The petitioner is the mother of 1st respondent and 2nd respondent is son-in-law, she filed suit for cancellation of settlement deed dated 06.03.2019. The said suit was dismissed for default on 14.10.2020 after the long period the plaintiff has not take any steps to restore the suit. Hence, the 4th and 5th proposed respondents purchased the property on 18.05.2022 and they settled the property in favour of 6th respondent on 24.11.2023. In the meantime the petitioner filed petition to restore the suit and it was taken file. Hence, this petition is filed to add the proposed parties is not necessary and the petition to be dismissed.

3. Point for consideration:-

Whether the petition under Order 1 Rule 10 and section 151 of CPC to implead

respondents / proposed parties 4 to 6 as necessary parties in the suit is to be allowed?

4. Points:-

4.1. Heard the counsels for both the parties. The main suit is for cancellation of settlement deed dated 06.03.2019 and consequential relief. The suit left for dismissed for default the proposed parties have purchased the suit property from 1st and 2nd respondents. Hence, the petitioner filed to add the 4th to 6th respondents as a necessary party to decide the subject matter. Hence, the question of law to be decided with presence of proposed parties. Hence, this petition is allowed.

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 31st day of January 2025.

Sd/N.Renuga

District Munsif,

Sulur.

List of witnesses and documents on Petitioner side:-

Nil

List of witnesses and documents on Respondents side:-

Nil

Sd/N.Renuga

District Munsif,

Sulur.

Draft/ Fair Order
I.A.No.10/2024 in
O.S.No.101/2020
Dated : 31.01.2025
DMC, Sular