

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.11/2024

in

O.S.No.140/2019

1. Jothi @ Jothimani ...petitioner/ 8th defendant/ Proposed party

1. Bhuvaneshwari

2. Gayathri

3. Minor.Soundarya

(Rep by her sister Bhuvaneshwari)

4. Sambathal

5. R.Karuppasamy

6. The District Collector

7. The Tahsildar ... 1st to 7th Respondents/ Defendants

/VS/

1. Smt.Sarojini

2. J.Jayaprakash ... 1st and 2nd Respondents/ Plaintiffs

This petition is coming on 30.01.2025 for final hearing before me in the presence of Mr.K.Arumugham, Advocate for the Petitioner/ proposed party and Mr.N.Ramas, Advocate for Respondents/Plaintiffs and Mr.G.Santhosh, Advocate for Respondents/ 1st to 5th Defendants and Mr.Government Pleader for Respondents/ 6th and 7th Defendants and upon perusing the records, and this court made the following:

ORDER

This petition filed Under Order 1 Rule 10 and R/W section 151 of CPC to implead petitioner/ proposed party as 8th defendant in the suit.

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

1.1. The petitioner is the legally wedded wife of the late Jeganathan who is the son of Karuppusamy out of the wedlock taken between them the 1st to 3rd defendants were born to them. The 4th defendant is mother-in-law. The plaintiff filed the main suit for declaration of legal heirs of deceased Jeganathan but she has not added the present proposed party as party in the said case. Being legally wedded 1st wife of Jeganathan the present petitioner also necessary party to this proceedings. Hence, the petitioner filed the present petition to add herself as 8th defendant in the main suit.

2. The brief averments of Counter statement filed by the 1st and 2nd Respondents/ plaintiffs as follows:

2.1. The petition is false, frivolous not maintainable either in law or on facts of the case. The originally legally wedded wife of Jeganathan is the 1st plaintiff. The suit is filed in the year of 2019. The proposed petitioners son and daughters were party to this main suit as 1st to 3rd defendants being know the facts of pending the case from 2019 with false allegation the petitioner filed the present petition to add herself as party to this proceedings. Originally the plaintiff is the legally wedded wife of the deceased Jeganathan. Hence, the plaintiff prayed to dismissal of the petition.

3. Point for consideration:-

Whether the petition under Order 1 Rule 10 and R/W section 151 of CPC to implead petitioner/ proposed party as 8th defendant in the suit is to be allowed?

4. Points:-

4.1. Heard the counsels for both the parties. The main suit is for declaration of the plaintiffs and 1st to 5th defendant are the legal heirs of deceased Jeganathan who is the son of Karuppusamy. Admittedly the 1st to 3rd defendants are the issues of the proposed petitioner. The plaintiff claims that, she is the 1st wife of deceased Jeganathan and also the proposed petitioner also claims that she is the legally wedded 1st wife of the deceased Jeganathan.

4.2. In this circumstances, the main suit is for declaration of legal heirship, this court finds to decide the matter once for all the proposed party is need to be added as

necessary party to decide the matter on merits.

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.11/2024 in
O.S.No.140/2019
Dated : 31.01.2025
DMC, Sulur