

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

Present : **Tmt.J.Mavis Deepika Sundaravadhana, M.A., M.L.,**
Principal District Judge, Chengalpattu.

Tuesday the 15th day of October 2024

I.A.No.9/2022
in
O.S.No.289/2021

Malarvizhi . . . Petitioner / 3rd Party /
Proposed 9th Defendant.

/Vs/

1. D.Arunachalam . . . Respondent / Plaintiff.

2. D.Sagunthala Ammal

3. Prasanth

4. Minor S.Sarath,

represented by his guardian D.Sivakumar,

5. Murugan

6. D.Sivakumar

7. R.Sasikala

8. D.Saravanan

9. D.Varadhan . . . Respondents / Defendants 1 to 8.

This petition came up before me in this court for final hearing
on 4.9.2024 in the presence of Tvl.P.Selvarangan and S.Gopalakrishnan,
Advocates for the petitioner, Thiru.S.Dhanusu, Advocate for the 1st

respondent, thereafter 1st respondent called absent and set ex parte for non-filing of counter, Thiru.P.Murugesan, Advocate for the respondents 2 to 8, and Thiru.Antony Elangovan, Advocate for the 9th respondent, the respondents 2 to 9 are formal parties, upon perusing the entire records and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner/3rd party under Order 1 Rule 9 and 10 read with Section 151 of CPC, to direct the plaintiff to add the petitioner as necessary party to the suit in OS 289/2021.

2. The case of the petitioner in brief :

The petitioner is the 3rd party and the proposed 9th defendant in the suit. The plaintiff who filed this suit is the elder brother of petitioner's husband and 1st defendant is her mother-in-law. Defendants 4, 5, 7 and 8 also are her husband's brothers. Defendants 2, 3 and 6 are the legal heirs of petitioner's husband's brother Late.Ravikumar. The petitioner is the wife of Late.Rajendhiran S/o. Late.Dakshina Murthy. The petitioner is well conversant with the facts of the suit and one of the sharers of the suit schedule properties and other properties. The marriage of the petitioner with Rajendhiran was arranged one by both families and was solemnized as per Hindu rites. After marriage the petitioner and her husband resided in husband's house at Irumbuliyur. As stated the entire family members have

been in possession and enjoyment of the family properties which were purchased by petitioner's father-in-law Late.Dakshina Murthy. The petitioner's family members have entered into a family arrangement deed in respect of the family properties on 8.6.1991 allotting shares to the family members. The said Family Arrangement Deed has been filed as document No.3 of plaint documents. As per the family arrangement deed, petitioner's husband Rajendhiran was allotted 'G' schedule property. The petitioner's husband D.Rajendhiran died on 23.6.2018. After the demise of her husband, as the petitioner and her husband have no children, petitioner was living alone in her husband's house. After 6 months of petitioner's husband's death, due to some health problems, as there were no one to take care of the petitioner, she went to her mother's house and staying there. Using the absence of petitioner, her mother-in-law, the 1st defendant had sold petitioner's properties without petitioner's knowledge and now they hve filed a suit for partition before the District Munsif at Tambaram bearing OS 150/2019 and filed this suit before this court, not adding the petitioner as necessary party to the suits. The petitioner is the only and legally wedded wife and legal heir of Late.D.Rajendhiran. Hence it is just and necessary to add the petitioner as necessary party to the suit. Hence, the petition.

3. The 1st respondent is the plaintiff who is the contesting party in this application, but he failed to file counter, called absent and hence, set exparte. The other respondents are formal parties to this application.

4. The point that arises for consideration is whether the application is liable to be allowed.

5. Point :

This petition is filed by the proposed party to implead herself as 9th defendant. According to the petitioner, she is the wife of Late.Rajendhiran who is the brother of the plaintiff. The suit is filed for partition. According to the petitioner / 3rd party, there was a family arrangement on 8.6.1991. The family arrangement deed is filed as document No.3 under which 'B' schedule property was allotted to her husband. According to the petitioner, her husband died on 23.6.2018. Since they have no children she stated that she has to move to her mother's house due to her health problem. She alleged, taking advantage of her absence, her property was sold without her knowledge and filed the suit without impleading herself. According to the petitioner, the suit is vexatious. Therefore, she prayed this court to implead herself as one of the defendants.

6. Notice was given to the respondent / plaintiff but the respondent / plaintiff failed to file counter and there was no representation

for long time. Therefore, there is no legally sustainable objection for allowing this application. The petition has to be allowed.

7. As the result, petition allowed. No costs.

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 15th day of October 2024.

Principal District Judge,
Chengalpattu.

Petitioner side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.