

IN THE COURT OF ADDITIONAL DISTRICT JUDGE, DINDIGUL.

Present : Thiru.Swarnam J.Rajagopalan, B.A.B.L.,(Hons.)

Additional District Judge, Dindigul.

Thursday, dated this the 09th day of April 2026.

I.A.No.1/2025 in O.S.No.425/2023

Chinnadurai

...Petitioner/Plaintiff

Vs.

1. Natarajan

2. Prathap

3. Veerachamy

4. Richard Johnpaul

...1 to 4 Defendants/ 1 to 4 Respondents

5. Papathi

6. The Hon'ble Sub-Registrar,

Sub-Registrar Office,

Dindigul.

... 5, 6 Proposed Defendants / 5, 6 Proposed Respondents

The application having been taken on file on 23.09.2026 and came before me for final hearing on 08.04.2026 in the presence of Thiru.V.Mariya Selvaraj, Learned Counsel appearing for the Petitioner, Thiru.H.Lakshmi Shankar, Learned Counsel appearing for the R1, and Thiru. P.S.Nirmal Kumar, Learned Counsel appearing for the R2, R3, R5 and later R2, R3 side counter not filed and R4, R6 called absent set exparte and having stood over under the consideration of this court till this date and this court this day delivered the following:-

ORDER

This petition has been filed by the petitioner/plaintiff under Order I Rule 10(2) of the Code of Civil Procedure seeking to implead the proposed respondents 5 and 6 as defendants 5 and 6 in the suit.

2. Case of the petitioner in brief:

- I. The petitioner/plaintiff has instituted the suit against defendants 1 to 4 seeking a declaration that certain documents are not binding on his half share in the suit properties and for partition and separate possession of his alleged half share. The suit is pending adjudication before this Court.
- II. According to the petitioner, during the pendency of the suit, he came to know that the 3rd defendant, namely Veerasamy, had executed a sale deed dated 03.04.2024 in favour of a third party, namely Papathi, in respect of one of the suit properties covered under relief 'C'. It is his contention that the said alienation would not bind his share in the suit property.

III. It is further contended that, in order to effectively adjudicate the dispute and to avoid multiplicity of proceedings, the said purchaser, Papathi, is a necessary party to the suit. The petitioner also seeks impleadment of the Sub-Registrar, Sanarpatti, as the 6th defendant to prevent further alienations or registration of documents in respect of the suit properties.

3. Case of the 1st respondent in brief:

- I. The 1st respondent/1st defendant has opposed the petition contending that the suit itself is for partition and declaration, and that a counterclaim has already been filed seeking partition of his share in certain items of the suit properties.
- II. It is further contended that the petitioner has no right over certain properties, particularly item No.10, which is stated to be the absolute self-acquired property of the 1st defendant, and therefore the petitioner lacks locus standi in respect of the same.
- III. The respondent would further submit that the alienation made by the 3rd defendant is legally valid and binding, and that there is no necessity to implead the proposed parties, as the issues can be adjudicated based on the existing pleadings.

4. Case of the proposed 5th respondent in brief:

- I. The proposed 5th respondent, Papathi, has stated that she is a bona fide purchaser for value, having purchased the property (item No.2 of the suit

properties) from the 3rd defendant under a registered sale deed dated 03.04.2024 for valid consideration.

II. It is her contention that the vendor had valid title over the property, being his self-acquired property, and that she had verified the title documents prior to purchase. She further alleges that the petitioner is attempting to harass her and has filed the present proceedings with an ulterior motive.

5. Point for Consideration:

The point that arises for consideration is:

“Whether the petition filed under Order I Rule 10(2) CPC to implead the proposed respondents 5 and 6 is liable to be allowed?”

5. Heard both sides.

6. **POINT:**

It is well settled that under Order I Rule 10(2) CPC, the Court has ample power to implead any person whose presence is necessary or proper for the effective and complete adjudication of the issues involved in the suit. In the present case, it is not in dispute that the 3rd defendant has alienated a portion of the suit property during the pendency of the suit in favour of the proposed 5th defendant. In a suit for partition, such an alienee, though governed by the doctrine of Lis Pendens, is nevertheless a proper party, as the validity, extent, and binding nature of the alienation, insofar as it affects the plaintiff's alleged share, would arise for consideration in the suit. The

presence of such purchaser would therefore be necessary to avoid multiplicity of proceedings and to ensure that the decree passed is effective and binding on all persons claiming interest in the suit property.

7. Insofar as the impleadment of the Sub-Registrar, Sannarpatti, is concerned, this Court is conscious of the settled position that the registering authority does not adjudicate title. However, in the peculiar facts and circumstances of the present case, where alienations have admittedly taken place during the pendency of the suit, and the plaintiff has expressed a reasonable apprehension of further transactions affecting the suit properties, this Court is of the view that the presence of the registering authority would facilitate effective enforcement of any interim or final orders that may be passed by this Court with regard to the suit properties.

8. It is to be noted that the impleadment of the Sub-Registrar is not for adjudication of title, but only to ensure that the process of this Court is not rendered ineffective by subsequent transactions and to enable this Court to issue appropriate directions, if required, in aid of the main relief. In that limited context, this Court finds that the Sub-Registrar can be treated as a proper party to the proceedings.

9. Further, the determination of the nature and extent of the plaintiff's share in the suit properties is a matter to be decided only upon full-fledged trial. At this stage, the Court is only required to see whether the presence of the proposed parties would aid in complete and effective adjudication.

10. In view of the above, this Court is satisfied that the proposed 5th defendant is a proper party, being a purchaser of the suit property during the pendency of the suit; and the proposed 6th defendant, namely the Sub-Registrar, Sannarpatti, is also a proper party in the limited context of facilitating effective implementation of orders of this Court and preventing frustration of the proceedings.

Result

In the result, the petition is allowed, and:

1. The proposed 5th respondent, namely Pappathi, is impleaded as the 5th defendant;
2. The proposed 6th respondent, namely the Sub-Registrar, Sannarpatti, is impleaded as the 6th defendant;
3. No costs.

Dictated to the stenographer and typed directly by her in computer, corrected and pronounced by me in the Open Court on this the 9th day of April 2026.

Additional District Judge,
Dindigul