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IN THE COURT OF THE PRINCIPAL SUB JUDGE, PALANI

**Present : Thiru. J. Jeya Suthahar, M.Sc., L.L.M.,
Principal Sub Judge, Palani.**

Dated this the 21st day of June 2023 Wednesday

I.A.No.1/2022

in

O.S. No.389/2014

1. Subbulakshmi

2. Kaliappan

3. P. Kaliammal

4. T. Kaliammal

5. Dhandapani

6. Santhanadurai (Died)

7. Mariappan

8. Eswaran

9. Vijayalakshmi

10. Muthumanickam

11. Selvi.Meena

... Petitioners/Plaintiffs

(P9 to P11 are impleaded as LR's of deceased

P6 as per order in I.A.No.901/2017 dated 14.12.2018)

1. Shanmugam

2. Mariappan

3. Elladurai

4. Vijaya

5. Amirtham

6. Duraiappan

-- Respondents 1 to 6/Defendants

7. Pasupathy
8. Padmanaban
9. Murugeswari
10. Nagalakshmi
11. Annakamu

... Respondents 7 to 11/
proposed defendants 7 to 11

This petition came before me for final hearing on 08.06.2023 in the presence of Mr.A.Kalyanasundaram and Thiru.S. Mohammed Sulaiman, Learned Counsels for the petitioners/plaintiffs and the respondents/defendants and the proposed parties being remained exparte and upon hearing the arguments on the petitioners side and upon perusal of records and having stood over for consideration till this date, this court doth delivers the following:

ORDER

This petition is filed by the Petitioners/Plaintiffs under Order I Rule 10(2) and Section 151 of CPC to implead the respondents 7 to 11 as defendants 7 to 11 in the above suit.

2. The averments in the petitioners affidavit filed in support of the petition in brief as follows:

The petitioners have filed the above suit for partition of the suit properties and other reliefs. In the written statement filed by the defendants they have stated that the legal heirs of Arumugam are necessary parties to the suit and that hence the suit is bad for non joinder of necessary parties. Further the proposed parties are having share in the suit properties. Hence the proposed parties must be impleaded as parties to the suit. Otherwise the petitioners will be put to hardship and loss. Hence the petition is filed.

3. As already stated the respondents remained exparte.

4. No oral and documentary evidence is adduced on the side of the petitioners in this petition.

5. The point for decision in this petition is whether this petition deserves to be allowed or not?

6. On perusal of records it is seen that the above suit has been filed by the petitioners herein for partition of the suit properties and other reliefs against the respondents 1 to 6. According to the petitioners since the proposed parties are having share in the suit properties they are necessary parties to the suit and that hence they have to be impleaded as parties to the suit. The respondents did not object the petition by filing counter statement. But they remained exparte. Since the suit is a comprehensive suit for partition all the parties who are necessary parties to the suit must be impleaded. Then only the dispute involved in the suit can be decided. Further it will avoid multiplicity of proceedings. Hence this court is of the view that the petitioners may be given a chance to implead all the parties who are necessary to decide the dispute involved in the suit and hence the proposed parties may be impleaded as parties in the suit.

7. Hence considering the above facts and circumstances of this case and in the interest of justice this court is of the view that the petition deserves to be allowed.

8. In the result, this petition is allowed. No Costs.

Dictated to the the steno-typist directly and computerized and printed by her and pronounced by me in the open court on this the 21st day of June 2023.

**Principal Sub Judge,
Palani.**

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Petitioners side witnesses and documents: NIL

Respondents side witnesses and documents: NIL

**Principal Sub Judge,
Palani.**