

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM**

Present: Tmt. V. Udayasuriya, M.L.,
District Munsif cum Judicial Magistrate,
Natham.

Dated this Tuesday, 16th day of August 2022
I.A. No. 75 of 2022 in Original Suit No. 82 of 2011

1. Rajammal (died)
 2. Mahalingam
 3. Gandhi
 4. Ramesh
 5. Vasantha
 6. Sekar
- Plaintiffs

... Petitioners/

(petitioners no. 2 to 4 and 6 were represented through their power agent petitioner no.5)

..vs..

1. Periyandi Ambalam
2. Krishnan
3. Mathiyarasi@ Jeyalakshmi
4. The Sub- Registrar, Natham
5. Aandichamy
6. Machakaalai
7. Rajamohammed
8. Singaravelan
9. Karuppaiya
10. T. Saranyadevi

...Respondents/Defendants

...Respondent/Proposed 10th defendant

This petition is filed on 21.03.2022 and coming before me for final disposal on 10.08.2022, in the presence of Mr. Jeyakumar, the learned counsel appearing for petitioners and Mr. L. Kumarappam, the learned counsel for appearing respondents 2 and 3, and the learned Government pleader, appearing for the 4th respondent and Mr. M. Kannan, the learned counsel appearing for the respondents 5 to 8 and Mr. K. Venkataraman, the learned counsel appearing for the 9th respondent and having heard the both sides argument and upon perusing the documents, this court doth hereby pronounce the following:

ORDER

This petition is filed under section 151 of the Code of the Civil Procedure to reopen the case which was closed on 22.01.2021 in order to implead the respondent/proposed 10th defendant as 10th defendant in the main suit.

1. Brief averments of the petition:

The petitioners stated that they filed a suit for declaration and cancellation of sale deed dated 04.10.1999 against the respondents/ defendants 1 to 9. The 1st defendant during pending suit executed a settlement deed in favour of the respondents 5 and 6 and they impleaded as parties to the suit. Thereafter, the respondents 5 and 6 sold the suit properties to the respondents 7 and 8 and the respondents 7 and 8 sold the suit properties to the 9th respondent on 28.03.2014. All the above were already impleaded as parties to the suit. Now, the 7th respondent on 14.02.2022 sold 1 acre 44 1/2 cents from the suit properties to the proposed 10th defendant. Therefore, it is necessary to implead the subsequent purchaser as a party to the suit to decide the suit on merits. Hence, the petitioners filed this petition to reopen the case.

2. The learned counsels for the respondents 2 to 10 were endorsed and reported 'No counter' and argued that the petition may be allowed.

The point for determination is whether the petition is liable to be allowed:

3. Both sides heard. Records carefully perused. From the records it is seen that during the pendency of the suit the 7th respondent sold the portion of the suit property to the 10th respondent. The same was not denied by the 10th respondent. In the absence of objection from the respondents and to decide the suit on merits it is necessary to implead the 10th respondent, the subsequent purchaser of the suit property as a party to the suit. Therefore, this court inclined to allow this petition to reopen the case in order to implead the 10th respondent as 10th defendant in the original suit.

In the result, the petition is allowed without cost.

This order is typed by me in my laptop and corrected and pronounced by me in the open court this the 16th day of August 2022.

District Munsif cum Judicial Magistrate,
Natham.

Petitioners and respondents side witnesses and documents: NIL

District Munsif cum Judicial Magistrate,
Natham.