

IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARMAPURI.

Present: Tmt.U.Monica,M.L.,
Additional District Judge,
Dharmapuri.

Friday, this the 26th day of July 2024

I.A.No.4/2024
in
O.S.No.161/2022

Sinthamani ...Petitioner/plaintiff

/versus/

1. Srinivasan
2. Sekar ...Respondents/defendants

/versus/

Chithra ... Proposed party

This petition is coming today for final hearing before me in the presence of Thiru.K.G.Kaverivarman, Advocate for petitioner/plaintiff and Thiru.P.V.Ravi, Advocate for respondents/defendants and proposed party called absent and set exparte and upon hearing both side arguments and on perusal of the entire case records and having stood over till this day, this court pronounced the following:

ORDER

This petition has been filed under Order-1, Rule-10 of CPC to implead the proposed party in this suit.

2. The case of the petitioner in brief is as follows:

After filing of the suit, the second defendant has executed Sale deed dated

4.9.2023 in favour of the proposed party in respect of third item of the suit property. The plaintiff came to know about this recently. Hence the proposed party has to be impleaded in this suit to prevent multiplicity of proceedings and for proper adjudication of the case. Hence the petition has to be allowed.

3. The counter filed by the first respondent and adopted by second respondent in brief is as follows:

This petition filed when the case is posted for trial is not maintainable. This petition has been filed without any merits and only to protract the proceedings. Hence the petition has to be dismissed.

4. The point for consideration:

Whether the petition is liable to be allowed or not?

5. No oral or documentary evidence adduced on both sides.

6. Point:

6.1) The petitioner alleges that during the pendency of the suit second defendant has executed Sale deed dated 4.9.2023 in favour of the proposed party in respect of third item of the suit property. Hence the proposed party has to be impleaded in this suit.

6.2) The respondents resisted the petition by contending that the petition filed without any merits and liable to be dismissed.

6.3) The proposed party has chosen to remain *exparte* in this petition.

6.4) This is the suit for declaration of title and declaration of documents as null and void and for permanent injunction. When the case is posted for trial, the present

petition has been filed. The respondents do not deny the fact that during the pendency of the suit, the second defendant executed Sale deed dated 4.9.2023 in favour of the proposed party. As the above sale deed has been entered into during the pendency of the suit in respect of third item of the suit property, this court is of view that proposed party is a proper and necessary party to this suit. In her absence, there cannot be proper adjudication of the case. Hence in the interest of justice, to provide petitioner an opportunity to prove the case, as proposed party is a proper and necessary party to the suit, this petition has to be allowed.

In the result, the petition is allowed. Both parties are directed to bear their own costs.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 26th day of July 2024.

Additional District Judge,
Dharmapuri.

Petitioner Side Evidence, Exhibits: Nil

Respondents Side Evidence, Exhibits : Nil

Additional District Judge,
Dharmapuri.

Fair Order

I.A.No.4/2024 in

O.S.No.161/2022

Dated:26.7.2024.