

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

Present: Tmt.U.Monica,M.L.,
Additional District Judge,
Dharmapuri.
Saturday, this the 18th day of April 2026

I.A.No.10/2026

in

O.S.No.32/2016

- 1).D.Nagamani.
- 2).D.Rajan.
- 3).D.Jayanthi.

..... Petitioners / Plaintiffs

/versus/

- 1).D.Sarathi.
- 2).D.Shanthi.
- 3).D.Sumathi.
- 4).Govindan.
- 5).Bhoothal @ Ramajayam.
- 6).Vijalakshmi.
- 7).Amsaveni.

.... Respondents/Defendants

- 8). Jayalakshmi.

.... Proposed party.

This petition is coming on 16.4.2026 for final hearing before me in presence of Thiru.T.Nehru, Advocate for petitioners, Thiru.N.Dhivakar, Advocate for first to seventh respondents, Thiru.C.Venkatesh, Advocate for the eighth respondent/proposed party 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 CPC to implead the proposed party.

2. The averments in the petition in brief is as follows:

i) The above suit is now posted for arguments. While preparing for the arguments and upon perusal of the records and the evidence adduced in the case, we were advised that Mrs.Jayalakshmi, the mother of the Respondents 1 to 3 / defendants 1 to 3, has to be impleaded as a party to the above suit for the purpose of proper and effective adjudication of the issues involved in the suit. It is submitted that the said Jayalakshmi had executed a registered Release Deed dated 17.08.1976 (marked as Exhibit -A6) after receiving a lump sum amount towards her life maintenance from my father. It is also submitted that she has been receiving destitute/deserted Wives Pension from the Government.

ii). The respondents / defendants are now contending that said Jayalakshmi did not execute the aforesaid registered Release Deed and that the same has not been acted upon, and therefore she is a necessary party to the suit. They have also raised a plea that the present suit is bad for non-joinder of necessary party. Though the said Jayalakshmi had earlier separated from petitioner's father after receiving the lump sum amount towards her life maintenance and had executed the aforesaid registered Release Deed, she has now joined hands with the respondents/defendants and they are falsely claiming that she is a necessary party to the suit.

iii). In order to avoid technical objections and multiplicity of proceedings and to establish the truth and validity of the above facts, it has become just and necessary to implead the said Jayalakshmi as a party to the above suit for proper adjudication of the issues involved in the suit and in the interest of justice. The respondents /

defendants will in no way be prejudiced by the impleadment of the said Jayalakshmi as a defendant in the suit.

3.The averments in the counter filed by first respondent adopted by second to seventh respondents in brief is as follows:

i) The petitioners/plaintiffs at the fag end of the case have come forwards with this Petition to implead one Jayalakshmi Wife of late.Devaraju @ Devan in the suit as eighth Defendant for its proper adjudication. It is the definite case of the petitioners/plaintiffs that the said Jayalakshmi is not the wife of late.Devaraju @ Devan as per consent divorce and receipt of one time settlement of the maintenance amount from one Devaraju Devan, said Jayalakshmi is receiving destitute/ deserted wives pension from the Government and she is not entitled for any share in the movable and in the immovable properties of the late.Devaraju @ Devan. It is the very rigid stand of the petitioners/plaintiffs from the date of filing of the suit in O.S.No.32/2016 that Jayalakshmi is not at all a necessary party for proper adjudication of the suit. Even at the time of the cross examination of PW-1 Rajan by this respondents/defendants, the said Rajan himself has admitted that Jayalakshmi is not necessary party for the suit proceedings and his mother Nagamani is the original wife of the late.Devaraju @ Devan. But by suppressing the above oral evidence and documentary evidence of Ex.A7, Ex.X3, 4 & 5, the petitioners/ plaintiffs have filed this impleading petition on 5.3.2026 in order to prevent this Court to proceed further in the suit.

ii) The defense of the respondents/defendants cannot be taken as to fill up the

lacuna of the plaintiffs case that too at the fag end of the trial to implead her as eighth defendant in the suit is not at all maintainable and bound to be dismissed in limine with exemplary cost.

4. The averments in the counter filed by respondent/ proposed party in brief is as follows:

i). This petition is filed by the petitioners / plaintiffs at the fag end of the case which is posted on 10.11.2025 for arguments. The suit is pertaining to the year 2016 and Hon'ble High Court of Judicature at Madras also passed orders in CRP.Nos.513/2020 on 10.02.2020 and writ petition long back. Inspite of that the petitioners/ plaintiffs after examination of exhaustive witnesses on both sides have filed this reopen petition to drag on the proceedings indefinitely. If the petition is allowed, there will be no end for the trial in the case. There is no necessity at all to file this reopen petition without mentioning reasons by the petitioners /plaintiffs. The writ petition filed by the third petitioner / third plaintiff in 23580 / 2017 is also dismissed on 23.09.2022. There is no merit in the petition and it is liable to be dismissed.

5. The point for consideration:

Whether the petition is to be allowed or not?

6. Heard both side. No oral evidence have been adduced on either side.

7. Point:

7.1) The petitioner alleges that as the proposed party has to be impleaded in this case, as defendants contend that she has not executed registered release deed dated 17.8.1976 and she is a necessary party to the suit. So for the proper

adjudication of the case, she has to be impleaded in this case.

7.2) The respondent the resisted the petition by contending that the petitioner who have taken a stand that the proposed party is not the wife of their father late. Devaraju @ Devan has now filed this petition after the delay of 10 years in order to drag on the proceedings. Hence the petition is liable to be dismissed.

7.3) The proposed party resisted the petition by contending this petition has been filed only to drag on the proceedings after the dismissal of CRP.No513/2020 on 10.2.2020 and Writ petition 23.5.2018 of 2017 on 23.9.2022

7.4) This is a suit for partition and permanent injunction and the case is in the stage of arguments. The proposed party is the mother of defendants 1 to 3 and Malathi. She is the first wife of C. Devaraji @ Devan, father of plaintiff and defendants 1 to 3 and Malathi. The petitioners allege that as the defendants contend that proposed party has not executed registered release deed dated 17.8.1976 and she is a necessary party to the suit, she has to be impleaded in this suit. The defendants have taken a defence in the written statement that the proposed party is a necessary party to the suit. As this is a suit for partition, this court of view that proposed party is a proper and necessary party in this suit and her presence is very important for adjudicating the matters in issue and also she must be given an opportunity to protect her rights.

7.5) Hence in the interest of justice, to provide the petitioners an opportunity to prove case and to prevent multiplicity of proceedings and for proper adjudication of the case, this court concludes that petition has to be allowed on costs, as this

petition has been filed at the stage of arguments. Hence point for consideration is answered accordingly

In the result, the petition is allowed on payment of cost of Rs.5,000/- to respondents. Cost to be paid on or before 27.4.2026 failing which petition stands dismissed. Call on 28.4.2026.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 18th day of April 2026.

Additional District Judge,
Dharmapuri.

Petitioner Side witness, Exhibits: Nil
Respondents Side witness, Exhibits: Nil

Additional District Judge,
Dharmapuri.

Fair Order
I.A.No.10/2026 in
O.S.No.32/2016
Dated:18.4.2026.