

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI.

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

Thursday, this the 5th day of October 2023.

I.A.No.5/2023
in
O.S.No.30/2019

1. Vasantha
2. Selvaraj
3. Ramu @ Raman
4. Suguna
5. Krishnan
6. Kumar

... Petitioners/proposed parties

/versus/

1. Radha
2. Jaya
3. Santha
4. Usha
5. Sudha
6. Mohan
7. Anandhi
8. Kumar
9. Rajeshwari
10. Saravanan

... Respondents 1 to 10/Plaintiffs

11. R.Ranganathan
12. K.Ranganathan (died)
13. Chinnaraj
14. Govindaraj
15. Kuppusamy
16. Kuppammal
17. Lakshmiammal
18. Sampooranam
19. Pandiyan
20. Thenmozhi
21. Munusamy
22. Soundharya

23. Thilagam
24. Ashokan
25. Malarvizhi
26. Murugesan
27. Saravanana

... Respondents 11 to 27/defendants

This petition is coming on this day for final hearing before me on 13.9.2023 in the presence of Thiru.N.V.Harikrishnan, Advocate for the Petitioners/proposed parties and Thiru.A.Nandakumar, Advocate for the first respondents/plaintiffs and Thiru.A.Kannadasan, Advocate for the respondents 13, 20, 22/defendants and Thiru.K.R.Ramesh, Advocate for the 14th respondent/defendant and Thiru.G.Bharathi, Advocate for the respondents 15 to 19/defendants and the respondents 11 and 21 called absent and set ex parte and upon hearing the arguments of both side and on perusal of the 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(2) of CPC to implead the petitioners/proposed parties as defendants in the suit.

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

According to the petitioners/proposed parties, the plaintiffs have filed the suit for partition and the proposed parties being children of Amirthammal, daughter of Govindaraj are also entitled to partition and they are proper and necessary parties to this suit. The petitioners also filed O.S.No.83/2019 in which they have shown Ramesh and Suresh as legal heirs of Anthiathia ,daughter of Amirthammal. Hence they have also to be impleaded in this case. The petitioners are proper and necessary

parties to this suit and they have to be necessarily impleaded in this case and this suit has been ordered to be jointly tried along with O.S.No.83/2019. Hence the petition has to be allowed.

3. The averments in the counter filed by the sixth respondent adopted by respondents 1 to 5 and 7 to 10 in brief is as follows:

As Amirthammal, daughter of Govindaraj Naidu died, her legal heirs have not been impleaded. The respondents have no objection for impleading the legal heirs of Amirthammal. In O.S.No.83/2019 filed by the proposed parties they have not impleaded all the parties in this suit. As the proposed parties are parties in O.S.No.83/2019, there is no necessity for impleading them in this case. Hence this petition has to be dismissed.

4. The respondents 11 to 27/defendants have not chosen to file counter in this petition.

5. The point for consideration:

Whether the petition is to be allowed or not?

6. No oral or documentary evidence have been adduced on either side. Heard. Records perused.

7. Point:

a) The petitioners allege that they are legal heirs of Amirthammal, daughter of Govindaraj Naidu and they have share in suit properties, hence they have to be necessarily impleaded in this case.

b) The respondents 1 to 10/plaintiffs filed counter and alleging that as Amirthammal died, her legal heirs are not impleaded and they have no objection to

implead them in this case. The other respondents have not filed counter.

c) This is the suit for partition. The proposed parties have also filed O.S.No.83/2019 for partition. Admittedly the proposed parties are legal heirs of Amirthammal ,deceased daughter of Govindaraj. This court is of the view as this is a suit for partition, for proper adjudication of the case all the parties have to be impleaded in this case. The proposed parties are proper and necessary parties to this case and in their absence there cannot be proper adjudication. Hence this court is of view this petition has to be allowed.

In the result, petition is allowed. In the facts and circumstances of case, 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 5th day of October 2023.

Additional Sessions Judge,
Dharmapuri.

Both Side Exhibit, Evidence: Nil

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Additional Sessions Judge,
Dharmapuri.

Fair Order

I.A.No.5/2023 in
O.S.No.30/2019

Dated:5.10.2023.

