

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DHARMAPURI

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

Wednesday, this the 2nd day of July 2025

I.A.No.7/2025
in
O.S.No.87/2020

D.Varatharaji	 Petitioner / Plaintiff
/versus/	
1.Suriyanarayanan.	1st Respondent/Defendant
2.Krishnammal.	
3.Chitra.	
4.Lakshmi.	
5.Munirathinam.	...2nd to 5th Respondents/ Proposed parties.

This petition is coming on 17.6.2025 for final hearing before me in presence of Thiru.M.Gnanam, Advocate for petitioner and Thiru.K.Thileepan, Advocate for the 1st respondent / defendant 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 parties.

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

According to petitioner, he has filed this suit for declaration and permanent injunction. When the case is posted for arguments, while perusing case records, he came to know that the first respondent's father namely Mani @ Surappan who executed a Sale deed dated 30.3.2016 to first respondent ought to have been impleaded in this suit. The said Surappan died, his legal heirs namely his wife Krishammal, daughters Chitra and Lakshmi have to be impleaded in this suit. Furthermore the original title owners of the property namely Vijaya, Munirathinam ought to be have included in this suit. The said Vijaya had died in the year 2018. The petitioner did not disclose the entire facts to his counsel. Hence the proposed parties were not included earlier. The proposed parties have to be included in this suit for proper adjudication of the case and no prejudice will be caused to the respondent by impleading them.

3. The averments in the counter filed by 1st respondent/defendant in brief is as follows:

The proposed parties sought to be included mother and sisters of the first respondent. There is no connection between them and this suit. There is no need to implead them. The fifth proposed party is the wife of petitioner. If the proposed parties are impleaded in the suit the nature of the suit will change. Without any basis, the petitioner wants to implead the family members of the first respondent with intention to drag on the proceedings. Hence the petition is liable to be dismissed.

4. The point for consideration:

Whether the petition is to be allowed or not?

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

6. Point:

6.1) According to petitioner, Surappan @ Mani has executed his Sale deed in favour of first respondent on 30.3.2016. As Surappan died, his wife, daughters Chitra and Lakshmi have to be impleaded. Furthermore Vijaya and Munirathinam his predecessor in the title have to be included in this suit. As Vijaya died, Munirathinam has to be impleaded in this suit. Hence the petition has to be allowed for proper adjudication of the case.

6.2) The respondent resisted the petition by contending that this petition has to be filed only to drag on the proceedings without any merits and proposed parties have no connection with the suit properties.

6.3) The proposed parties 1 to 4 have chosen to remain exparte. The fifth proposed party has not filed counter.

6.4) This is a suit for declaration and permanent injunction and the case is in the stage of arguments. The petitioner now wants to implead the legal heirs of the Mani @ Surappan who is the father of first respondent and his predecessor in the title namely his wife. As originally suit properties belong to Gopala Gounder and Vijaya, their legal heirs have to be all impleaded in this case for proper adjudication and protection of their rights. Their presence is very important for adjudicating the matters in issue and also

they must be given an opportunity to protect their rights.

6.5) Hence in the interest of justice, to provide the petitioner 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 cost, has petition has been filed at a belated stage. Hence point for consideration is answered accordingly.

In the result, the petition is allowed on cost of Rs.3000/- to first respondent/defendant, Cost to be paid on or before 8.7.2025 failing which petition stands dismissed. Call on 9.7.2025.

Dictated by me, typed by the Steno-typist, corrected and pronounced by me in Open Court on this the 2nd day of July 2025.

Additional District Judge,
Dharmapuri.

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

Additional District Judge,
Dharmapuri.

Fair Order
I.A.No.7/2025 in
O.S.No.87/2020
Dated:2.7.2025.