

**IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.**

**PRESENT: Tmt.K.S.Shabeena, B.A., B.L.,**  
Subordinate Judge, Sathyamangalam.

Monday, the 17<sup>th</sup> day of November 2025  
(2056 Thiruvalluvarandu Visuvavasuv varudam Karthigai Thingal 01<sup>st</sup> day)

**I.A.No.3/2023 in**

**O.S.No.157 of 2022**

1. P.Palanimammal
2. A.Valliammal
3. V.Selvi
4. E.Rasathi

... Petitioners/Plaintiffs

Vs

1. M.Palanisamy
2. P.Saravanakumar
3. V.Suseela
4. V.Pushpalatha

... Respondents/Defendants 1 to 4

5. Kanagaraj
6. Rangasamy

... Respondents/Proposed Defendants 3,4

This petition was came up for final hearing before me on 17.11.2025 in the presence of Thiru.P.Thatchinamurthy Advocate for the Petitioner and R1 to R6 called absent set exparty and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

## ORDER

This petition is filed under Order I Rule 10 of the Code of Civil Procedure seeking to implead the proposed respondents 5 and 6 as necessary parties to the main suit for partition and other consequential reliefs.

### **2. The averments of the petition in brief:**

2.1. The petitioner, who is the deponent and the 3rd plaintiff in the suit, asserts that he is fully conversant with the facts of the case and swears the affidavit on behalf of the other plaintiffs as well. According to the petitioner, the suit property originally belonged to the family, and during the pendency of the dispute, the 1st respondent/1st defendant alienated the petition-mentioned property in favour of the present 5th respondent by executing a registered sale deed bearing Document No. 3399/2021 dated 26.07.2021. Thereafter, the 5th respondent conveyed the same property in favour of the 6th respondent by a registered sale deed bearing Document No. 588/2022 dated 22.08.2022.

2.2. The petitioner contends that the alienation relied upon by the 1st respondent is already a matter in issue in the suit, and any claims or rights that the 5th and 6th respondents assert through these transactions will directly affect the adjudication of the plaintiffs' rights in the suit property. It is urged that without the presence of respondents 5 and 6, the question of title and the effect of the impugned sales cannot be effectively adjudicated. Their participation is therefore necessary to avoid multiplicity of proceedings and to ensure complete and final resolution of the

dispute. The petitioner further submits that the respondents 1 to 6 have remained ex parte and have not raised any objections that would justify refusing impleadment.

2.3. The petitioner therefore prays that respondents 5 and 6 be impleaded as additional respondents in the suit, failing which the petitioner will suffer irreparable loss and hardship.

### **3. Point for Determination:**

Whether respondents 5 and 6, who claim title to the suit property under the sale deeds dated 26.07.2021 and 22.08.2022, are necessary and proper parties to the main suit for partition, and whether they are required to be impleaded under Order I Rule 10 CPC for effective adjudication of the issues involved.

### **4. Discussion and Findings:**

4.1. The pleadings placed before the Court disclose that the dispute in the main suit pertains to partition and separate possession of the family property. The plaintiffs challenge the alienation made by the 1st respondent, contending that such alienation cannot prejudice their co-ownership rights. The documentary material relied upon—namely the sale deeds executed in favour of the proposed respondents 5 and 6—indicates that they claim derivative title from the 1st respondent. These transactions are not merely collateral but form part of the core controversy because the validity and binding nature of such alienations are inherently linked to the plaintiffs' right to seek partition.

4.2. Under Order I Rule 10 CPC, the Court may, at any stage of the proceedings, direct the impleadment of any person whose presence is necessary for the effective and complete adjudication of the matters in dispute. A necessary party is one without whom no effective decree can be passed, and a proper party is one whose presence enables the Court to comprehensively decide the matter and avoid multiplicity of litigation.

4.3. If the proposed respondents 5 and 6 are not impleaded, any decree passed in their absence would lead to avoidable complications, including potential independent litigation challenging the decree, thereby frustrating the purpose of the partition suit. Their interests, arising out of the registered sale deeds, are directly connected to the property in dispute, and their participation is essential for determining whether the alienations bind the plaintiffs. Further, all the respondents have been placed ex parte, and no objection exists to the impleadment. The Court is therefore persuaded that the presence of respondents 5 and 6 is indispensable to settle all controversies in a single proceeding.

4.4. Accordingly, the Court is satisfied that the petition deserves to be allowed.

**5.Order:**

1. The petition under Order I Rule 10 CPC is allowed.
2. Respondents 5 and 6/proposed parties are hereby ordered to be impleaded as Respondent No. 5 and Respondent No. 6 in the main suit.

3. The plaint shall be amended accordingly within the time prescribed by law.

4. No costs.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 17<sup>th</sup> day of November 2025.

Subordinate Judge,  
Sathyamangalam.

**Petitioner's side witness and documents:** NIL  
**Respondent's side Witness and documents:** NIL

Subordinate Judge,  
Sathyamangalam.