

In the Court of the II Additional District Munsif, Nagercoil

Present: Thiru.R.Sundara Kamesh Marthandan, M.L.,
II Additional District Munsif, Nagercoil.

Thursday, on this the 1st day of June 2023

I.A. No. 6 of 2022
in
Original Suit No. 38 of 2020
CNR No.TNKK04-000075-2020

1. Murugan
2. Addl. Palavesam

..Petitioner/Plaintiff
Proposed party

-vs-

1. The Assistant Engineer,
Water Irrigation Section,
Mylaudy.
2. The Tahsildar,
Agastheeswaram Taluk
3. The District Collector,
Kanyakumari District.

..Respondents/Defendants

This Petition came up before this Court on 20.03.2023, in the presence of Thiru.R. Radhakrishnan Advocate for the Petitioner and Respondents set exparte and upon hearing the Petitioners' arguments and perusing the case records and having stood over for consideration till this day, this Court delivers the following:

ORDER

1. The Plaintiffs have filed above Petition under Order I Rule 10 and Section 151 CPC. seeking an order to implead his son as 2nd Plaintiff in the above suit. The Plaintiff had stated that he had filed the above suit for Permanent

Injunction and other reliefs and that he is aged 76 years and not able to do his day-to-day works and seeing his old age he had executed a Settlement Deed bearing Doc. No. 2138 of 2021, Edalakudy Sub Registrar Office, dated 06.05.2021 in favour of his son Palavesam and the Plaint Schedule Property stands in the name of Palavesam. Hence it is necessary to array him as a proposed additional Plaintiff in the above suit. Hence come up with the above Petition.

2. The Respondents have not filed counter and they were set exparte.

3. The Petitioner had stated that he had filed the above suit seeking Permanent Injunction in respect of the suit schedule property against the defendant on 25.02.2020. Subsequently to the filing of the suit, the Petitioner had stated he executed Settlement Deed dated 06.05.2021 bearing Doc. No.2138 of 2021, Edalakudy, Sub Registrar Office, in favour of his son Palavesam. The said fact is not denied or disputed by the respondent by filing counter. Since it is stated that the Plaint Schedule Property is transferred in the name of the proposed 2nd Petitioner, this Court is of the considered view, that the 2nd Petitioner could be impleaded.

In the result, the above Petition is allowed no cost.

This order is dictated to the Steno-Typist and typed by her directly and after making necessary corrections, pronounced by me in the Open Court on this the 1st day of June 2023.

II Additional District Munsif,
Nagercoil.

Petitioners side witness and document :- Nil.

Respondents side witness and document :- Nil.

II Additional District Munsif,
Nagercoil.

I.A.No.6 of 2022
in
O.S.No. 38 of 2020
Fair Order
Date : 01.06.2023.