

In the Court of the District and Sessions Judge,
District and Sessions Court No.II, Kancheepuram.

PRESENT: **J. CHANDRAN**,
District and Sessions Judge,
District and Sessions Court No.2,
Kanchipuram.

This Friday the 07th day of January 2022

I.A.NO. 75/2021 in A.S.No. 19/2018

Dr.S.Shanthi,
Livestock Farm Complex,
Veterinary College and Research Institute,
Orathanadu, Thanjavur 614 625

Petitioner/4th defendant

//Vs//

1. T.R.Vidyanathan
2. D.Sumathi
3. V.Premavathi.
4. Krishnakumar
5. Ramkumar

Respondents/Appellants 1 to 5
Defendants 1, 3, 6, 7 8

6. P.Kasthuri Purushothaman
7. G.Sankari (Deceased)
8. Saraswathi
9. Kotteeswari
10. G.Vasudevan
11. G.Sakthivel

Respondents/ Respondents in
AS 19/2018 and Plaintiffs 1 to 6

This petition is coming on 13.12.2021 for hearing before me in the
presence of M/s J.Karthik, Uma Sankari, counsels appearing for the

petitioner, M/s A.K.Ramesh, counsels appearing for the respondents 1 to 5 and M/s R.Raghunath, counsels appearing for the Respondents 6 to 11 upon hearing the arguments from both sides, upon perusal of records and having stood over for my consideration till this day, this court passed the following

ORDER

This petition has been filed by the petitioner/4th defendant to implead her as one of the respondent in the appeal under Order 1 Rule 10(2) r/w Sec. 151 of CPC.

2) Heard the learned counsels for both side Records were perused.

3) It is an admitted fact that this petitioner has been added as 4th defendant in the suit and she has not been added as respondent in the appeal filed by the respondents / appellants. It is the case of the petitioner that though she was added as 4th defendant in the suit, she was not served with summons from the trial court and despite knowing fully well that she was not residing in the address mentioned in the cause title, that she was arrayed as 4th defendant in the suit by mentioning her mothers address, that she was also not impleaded as one of the respondent in the appeal.

4. The respondents / appellants have categorically admitted the fact that this petitioner has been arrayed as 4th defendant in the suit and she has not been added either as an appellant or respondent in the appeal filed by

them. Every opportunity has to be given to the parties to the suit enable her to participate in the appeal proceedings as the appellate court is the final court of factual aspects. The respondents have not raised any serious objection to allow the petition and they may not have any serious objection also. Considering the above stated circumstances and in the interest of justice this court finds that this petition is to be allowed and the point is decided accordingly.

In the result, this petition is allowed. No order as to costs.

//This order has been dictated by me to the Stenographer, taken down, transcribed and typed by her in the computer, corrected and pronounced by me in the open Court on this Friday the 7th day of January 2022//

Sd/-J.Chandran
District and Sessions Judge,
District and Sessions Court – II,
Kanchipuram.

Draft/Fair Order
I.A.No.75/2021
A.S No. 18/2018
Dt. 07-01-2022
District & Sessions Court No.II,
Kanchipuram.

