

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI**

**Present : Selvi.A.Yughathymariya, B.Com, L.L.B.(Hons.,)**

**Additional District Munsif, Kulithalai.**

**Dated Friday, the 08<sup>th</sup> day of August 2025**

**I.A No.04/2025 in O.S No. 54/2014**

Kamalam

**...Petitioner/ Plaintiff**

**- Vs -**

- 1) Alamelu
- 2) Saravanan
- 3) The District Collector, Karur
- 4) Thasildar, Kulithalai
- 5) Village Administrative Officer,  
Maruthur North II, Village.

**...Respondents/ Defendants**

This petition has come up for final hearing on 25.07.2025 before this Court in the presence of Thiru.K. Vijayakumar, the Learned Counsel appearing for the Petitioner and in the presence of the Government Pleader Thiru. K.S.M. Sahul Hameed, the Learned Counsel appearing for the Respondents No. 3 to 5 and in the presence of Thiru.B.Malarkannan, the Learned Counsel appearing for the Respondents No.1 & 2 and for the proposed parties No.1 and 2, no counter on the side of Respondents and for the Proposed Parties despite sufficient opportunities given and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

**ORDER**

This petition is filed under Order 1, Rule 10(2) r/w section 151 of CPC in order to implead the Proposed Parties in the above suit as Defendants.

2) The Respondents and the Proposed Parties were represented through their counsels at the earlier point of time. But, however despite sufficient opportunities given to the Respondents and the Proposed parties, they were neither present nor represented through their counsels by way of filing counter and proceed with this petition.

**Brief averments in the affidavit are as follows:**

3) It is the case of the Petitioner is that the 1<sup>st</sup> item of the suit property in S.F. No.311/1 is originally belonged to one Arumugam Pillai who is the grandfather of the Plaintiff, which is a land to an extent of 0.42 cents, who purchased the same by way of a registered sale deed dated 31.07.1948. This Arumugam Pillai had also purchased a land in S.F.No.312/1 to an extent 0.10 cents by way of the above said sale deed. After the said purchase of the above lands, the Petitioner's grandfather was enjoying the remaining vaccant Grama Natham lands which were there in the S.F.No.312/1 to a total extent of 0.181/2 cents. On the basis of his possession, Patta was given in his name for the above said lands.

4) It is also the case of the Petitioner/Plaintiff that after the demise of her grandfather Arumugam Pillai, his father has been in the possession of the suit property and after the demise of her father, this Petitioner and her sibilings have been in the possession of the suit property. The Petitioner along with her sibilings have been living in the said land by way of constructing a thatched house over the 2<sup>nd</sup> item of the suit property and were occupying the remaining vaccant lands by engaging cattles and dumping wastes over there.

5) In respect of the 2<sup>nd</sup> item of the suit property, the Revenue Divisional Officer, Kulithalai had wrongly issued joint Patta to the Petitioner/Plaintiff, the 1<sup>st</sup> Defendant and four other persons, for the said property to an extent of Acre 0.18 1/2 cents. After that, when the same was objected by this Petitioner, the Pattas which were granted to the 1<sup>st</sup> Defendant and four other persons were cancelled by the revenue officials and

again the Patta in respect of the 2<sup>nd</sup> item of the suit property was changed in the name of this Petitioner.

6) This apart, the Revenue Divisional Officer had also issued a HSD Patta to the 1<sup>st</sup> Defendant and four other persons in respect of the 2<sup>nd</sup> item of the suit property after having issued Patta to the father of this Petitioner and hence the said HSD Patta is not valid and it will no way bind the Petitioner.

7) The 1<sup>st</sup> Defendant and the above said four persons were never been in the possession of the 2<sup>nd</sup> item of the suit property. They all have separate terraced house and tiled house in other lands which were in the eastern portion of the suit property and they have been living therein. This Petitioner/Plaintiff has been in the possession and enjoyment of the suit property, without any interruption before filing this petition.

8) Meanwhile, pending this suit, in the 3<sup>rd</sup> week of October 2024, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents/Defendants have constructed a tin sheet over the 2<sup>nd</sup> item of the suit property by encroaching the same to an extent of 16 feet in the East-West and 12 feet in the North-South, when the Plaintiff was not in the village. When the Plaintiff/Petitioner returned to her village and asked the Defendants/Respondents No.1 and 2 to remove the tin sheet constructed by them over the 2<sup>nd</sup> item of the suit property, the Respondents No.1 and 2 have agreed to remove the said tin sheet but till this date they have not done so.

9) This being so, pending this suit by concealing the above facts, the 1<sup>st</sup> Respondent/ 1<sup>st</sup> Defendant had sold a portion of the 2<sup>nd</sup> item of the suit property to the Proposed Party No.1 herein on 18.12.2024 and the 1<sup>st</sup> Respondent had also sold another portion of the 2<sup>nd</sup> item of the suit property to the Proposed Party No.2 on the same date, fraudulently. On knowing the same, the Petitioner had sent a legal notice to the 1<sup>st</sup> Respondent as well as to the Proposed Parties on 09.01.2025 and they have denied to receive the said notice. The 1<sup>st</sup> Respondent herein has no right to sell the

2<sup>nd</sup> item of the suit property to the Proposed Parties herein. The Proposed Parties herein also have not at all been in the possession of the suit property at any point of time till this date. Hence, the Proposed Parties herein are not a bonafide purchasers for proper value without notice. Therefore, the Proposed parties are necessary parties to the above suit and in the interest of justice they ought to be impleaded. Hence this petition.

**Discussion:-**

10) In order to substantiate the case of the Petitioner, the Petitioner has filed the copies of the registered sale deeds dated 18.12.2024 by which the 1<sup>st</sup> Respondent had sold the 2<sup>nd</sup> item of the suit property to the Proposed Parties herein respectively. Upon perusal of the above copies of the sale deeds, it is seen that the 1<sup>st</sup> Respondent had entered into the sale deeds in favour of both the Proposed Parties in respect of the property in S.F.No.312 new S.F.No.896/2 which is the 2<sup>nd</sup> item of the suit property herein. Therefore, it is seen clear that pending this suit the 1<sup>st</sup> Respondent had sold the 2<sup>nd</sup> item of the suit property to the Proposed Parties and the Proposed Parties are the subsequent purchasers of the same.

11) However, on the other hand, to contest the case of this Petitioner, the Respondents and the Proposed Parties have not turned up before this Court by way of filing counter and there was no representation for both the Respondents and the Proposed Parties herein, despite sufficient opportunities given to them. Therefore, this Court has closed the chance for filing counter by the Respondents and the Proposed Parties. Evenafter that no steps were taken by the Respondents and the Proposed Parties to contest this petition.

12) Being so, upon hearing the enquiry on the side of the Petitioner and upon perusal of the documents submitted on the side of the Petitioners, this Court is of the view that pending this suit in respect of the 2<sup>nd</sup> item of the suit property, the 1<sup>st</sup> Respondent had sold the same to the Proposed Parties herein. It is a settled position

of law that the subsequent purchasers of the suit property would not always become a necessary part to the suit though, this Court is of the view that in order to avoid the multiplicity of proceedings in future and in order to meet out the ends of justice, the Proposed Parties herein though they are not necessary parties they are proper parties to the above suit for proper, final binding and complete adjudication. Therefore, this Court is inclined to allow this petition.

**Result:**

In the result, for the reasons stated above, in the interest of justice and on merits, this petition is allowed. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 08<sup>th</sup> day of August 2025.

**Sd/-A.Yughathymariya  
Additional District Munsif,  
Kulithalai.**

Petitioner side witness and documents	-	Nil.
Respondents side witness and documents	-	Nil.

**Sd/-A.Yughathymariya  
Additional District Munsif,  
Kulithalai.**

