

In the Court of the Principal District Judge, Madurai
Present: Thiru. S. Sivakadatcham, B.Sc., M.L.,
Principal District Judge, Madurai

Monday, this the 26th day of February, 2024

I.A.No.300/2021
in
O.S.No.113/2020

1. K. Muthu Thevar Mukkulathor Higher
Secondary School Trust, represented through
its President Pappathi @ Rajathi
 2. D. Pappathi @ Rajathi
 3. C. Duraipandian
- ...Petitioners/ Plaintiffs.

/vs/

1. K. Saravanan
 2. R. Kannan
 3. M. Subramanian @ Maikandan
 4. B. Frankilin Devasagayam
 5. Sharmila
 6. Akhila Maheswari
 7. Selvam
 8. J. Deepalakshmi
 9. Jothi Muniyandi
 10. Maari Ammal
 11. Lakshmanadoss
 12. A. Suresh
 13. Rajaram
 14. Selvakumar
 15. P. Vijayabaskaran.
 16. Saroja
 17. Thavamani
 18. Shanmuga Vadivu
 19. Rukumani Vidhya
 20. Angayarkanni
 21. Dinesh
 22. Pandian
 23. Sampath Kumar
 24. S. Thanga Marimuth
 25. H. Mohammed Rafi
 26. A. Muthu Virumandi
- .. Respondents/ defendants

1. Saravana Kumar
2. S. Ganesan
3. G.Kalaivani
4. R.Lakshmi
5. M.Susila
6. P. Moovendran
7. S.Seethadevi
8. G.Pandithurai.
9. R.Ravichandran
10. N.Arumugam
11. N.Balasubramani
12. G.Muniyandi Pandi
13. S.Shanmuganathan
14. T.Ravichandran
15. N.Selvarani

... Proposed parties to be impleaded as Defendants 27 to 41 in the suit.

This petition coming on 12.1.2024 for hearing before me in the presence of Thiru.D. Balasubramanian, Advocate for the petitioners, of Thiru.A.G. Senthilkumar, Advocate for the respondents 1 & 2, of Tmt.S. Anandhaselvi, Advocate for the 3rd respondent, of Thiru. Muthaiah Pasumpon, Advocate for the respondents 4 to 26, of Thiru.R. Muniyasamy, Advocate for the proposed parties 1 to 3, of Thiru.M. Koodalingam, Advocate for the 4th proposed party and of Thiru.R. Muniyasamy, Advocate for the 5 to 8 and 12 to 15 proposed parties and upon hearing both sides and having stood over for consideration till this day, this court delivered the following:-

ORDER

The petitioners have filed this petition under Order 1, Rule 10 and sec.146 & 151 of Civil Procedure Code to implead the proposed parties 1 to 15 as defendants 27 to 41 in the suit.

2. The averments in the affidavit filed along with petition are briefly as follows:-

The petitioners/plaintiffs have filed the main suit for declaration that the registered exchange deeds executed by the respondents/defendants 1 and 2 in favour of 3rd respondent/defendant, thereafter by the 3rd respondent/3rd defendant in favour of respondents/defendants 4 to 26 are illegal, null and void and not binding the 1st petitioner/plaintiff trust and for possession and for injunction. After filing of the suit, the petitioners came to know that the respondents/defendants 25 & 27 divided the property into number of housing plots and sold out to proposed parties 1 to 15/defendants 27 to 41. The subsequent transactions are also null and void. So to get binding on the proposed parties, they have to be impleaded as defendants in the main suit. Hence, this petition is filed to implead the proposed parties 1 to 15 as defendants 27 to 41 in the main suit.

3. The counsel for the respondents 1 and 2 made endorsement as 'without prejudice their case no objection to allow the petition'. The counsel for the respondents 3 to 26 and proposed parties 1 to 10 and 12 to 15 endorsed as 'no counter'. The proposed party 11 remained exparte.

4. The point for determination:

Whether this petition is to be allowed or not?

5. Both sides have not adduced either oral evidence or documentary evidence. Heard both sides.

6. Point:

The learned counsel for the petitioners contended that after filing of the suit the respondents 25 and 27 divided the suit property as housing plots and the same were sold to the proposed parties 1 to 15 and hence, it is necessary to implead them as parties to the proceedings as defendants.

7. On perusal of records, the counsel for the respondents 1 and 2 made endorsement as 'no objection', the counsel for the respondents 3 to 26 and proposed parties 1 to 10 and 12 to 15 endorsed as 'no counter' and the 11th proposed party 11 remained exparte. Considering the contents of the affidavit it is stated that during the pendency of suit the petitioners came to know that the property was converted into housing plots and sold to proposed parties 1 to 15. As rightly pointed out by the petitioners that in order to bind them by this case judgment also, they are necessary parties and they have to be impleaded as defendants. So, this court is inclined to allow this petition and the proposed parties 1 to 15 are to be impleaded as defendants 27 to 41 and the point is answered accordingly.

8. In the result, this petition is allowed and the proposed parties 1 to 15 are ordered to impleaded as defendants 27 to 41 in the main suit. No cost.

Dictated to the stenographer, transcribed by him, corrected and pronounced by me in open court this the 26th day of February, 2024.

Principal District Judge,
Madurai.

List of witnesses examined:-

Petitioners side – Nil

Respondents side – Nil

List of documents marked:-

Petitioners side – Nil

Respondents side - Nil

Principal District Judge,
Madurai