

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Saturday, the 5th day of April 2025

I.A.No.2/2022

in

O.S.No.103/2022

Nallaponnu

..... Petitioner/ Plaintiff

// Vs //

1. Ponnammal

2. Alagu

3. Kumar

4. Founder Rajendran

C.R Engineering College

Pudhur, Madurai.

5. N. Jeyaraj

6. R. Sethu

..... Respondents/Defendants

7. R. Vedharajan,

(C.R.Anand Education Trust Founder/

Managing Trustee)

..... Respondent/7th proposed

Defendant

This petition coming up for final hearing before me on 13.03.2025 in the presence of Advocate.Mr.K.Muniyandi, Advocate for the Petitioner and Advocate Mr.R.Ganesan, Advocate for the 5th and 6th respondents and Advocate.Mr.S.Manimaran, Advocate for the 7th respondent and 1st to 3rd respondents were called absent set exparte in original suit on 21.04.2022 and upon hearing the enquiry on both sides, on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Orders

This petition has been filed Under Order 1 Rule 10 and Section 151 of CPC pass an order to add the respondent/ 7th defendant in the original suit.

1. Brief averments of the petition :-

The petitioner herein is the plaintiff in the original suit. The original suit has been filed by the plaintiff against the defendants for the relief of partition. The 1st to 3rd defendants were called absent setaside order passed in the original suit in OS.No.103/2022. It is also noted that the 4th defendant was died and that the lawyer for the 5th and 6th defendants has been given until 20.07.2022 to appear and file a written statement. Due to the death of the 4th defendant K.Rajendran, R.Vedharajan has been appointed as the Managing Trustee of the C.R. Anand Educational Trust. The petitioner/plaintiff prays to add the R.Vedharajan is the respondent/7th defendant in the original suit. Hence this petition has to be allowed.

2. Brief averments of the counter affidavit filed by the 5th Respondent/ 5th defendant and adopted by the 6th respondent/6th defendant:-

The 5th respondent herein is the 5th defendant in the original suit. The 5th respondent file this counter affidavit for himself and on behalf of 6th respondent/6th defendant also. The 5th respondent deny all the averments in the affidavit as false, baseless and vexatious except those which are herein after expressly admitted as true. Since the 4th respondent/4th defendant died, the 7th respondent/proposed party was appointed as Managing Trustee of the Trust and since C.R.Engineering College is functioning in the suit property, 7th respondent/proposed party is to be impleaded as party to the suit. The 4 respondent/4 defendant died on 11-09-2011 itself. The factum of his death is known to the petitioner/plaintiff. Despite her knowledge about his death, the petitioner/plaintiff has purposely filed this suit against him also. In other words the petitioner/plaintiff has filed this suit against the dead person. The 4th respondent/4th defendant is not the founder of C.R.Anand Educational Trust. The 7th respondent/proposed party is its founder. This fact is also known to the petitioner/plaintiff. Now the suit properties have been in our possession and enjoyment since the date of our purchase. The said Trust is not in possession and enjoyment of the suit properties. Hence this petition has to be dismissed.

3. The point for consideration aroused is that :-

Whether the petition has to be allowed or not ?

4. Point :-

Heard both sides. Records perused. It has been stated in the petition that the proposed 7th respondent was appointed as Managing Trustee of the Trust since C.R. Engineering College is functioning in the suit property, so the 7th respondent needs to be impleaded.

The counter statement also shows that the 7th respondent is in possession of the suit property.

Hence in order to avoid further complications and to avoid multiplicity of litigations, this petition is allowed.

5. Result:-

In the result, this petition is allowed. No costs.

Dictated to the Steno Typist by me, and typed by her directly, corrected and pronounced by me in open court, this the 5th day of April 2025.

**Sub Judge,
Melur.**

Petitioner and Respondents both sides witness and documents : Nil

**Sub Judge,
Melur.**

**Draft/Fair Order
in
IA.No.2/2022
in
O.S.No.103/2022
Dt : 05.04.2025
Sub Court,
Melur.**