

IN THE COURT OF DISTRICT JUDGE, MAYILADUTHURAI.

PRESENT: Dr. L.S. SATHIYAMURTHY, M.A., M.L., Ph.D.,

District Judge, Mayiladuthurai.

Tuesday, the 17th day of February 2026

**I.A. No. 04/2025 in
GWOP. No. 347/2023**

Rohini

... Petitioner/ Proposed Party

Vs.

1. Dhineshkumar

2. Ravichandran

... Respondents

This petition came up on 06.02.2026 for final hearing in the presence of Thiru. J. Pari, Advocate for the petitioner and Thiru. S. Sankaranarayanan, Advocate for the 1st Respondent and upon hearing both side and considering the connected records and having stood over till this day for consideration this Court made the following

ORDER

This is a petition under Order 1, Rule 10 CPC to implead a 3rd party as a respondent in the proceedings under the Guardian and Wards Act 1890.

This petition has been pressed into service by wife of the 2nd respondent.

2. THE BRIEF FACTS WHICH ARE NECESSARY FOR THE DISPOSAL OF THIS APPLICATION ARE AS FOLLOWS:-

One Dhinesh Kumar and Divya were husband and wife. Their marriage was performed on 10.03.2021 as per Hindu rites and rituals. Out of their wed lock a female baby Dheekshana was born on 29.12.2022. Thereafter, family disputes arose and the said Divya after delivery of a female baby fell in ill and died on 29.12.2022. There are allegations exchanged between husband and mother of the deceased in their counter and petition. They are not extremely relevant for the disposal of this petition.

2.2 After the demise of said Divya, her husband Dhinesh Kumar has filed petition seeking custody and also to nominate him as a guardian of his daughter minor Dheekshana.

2.3 At present the minor girl is under the care and maintenance of her grand father the said Ravichandran.

2.4 At this juncture, the wife of the said Ravichandran, who is none else than the mother of the deceased has filed this petition to implead her as 2nd respondent in the proceedings. In the affidavit filed in support of her petition she has contended certain facts about the matrimonial dispute between her daughter and the said Dhinesh Kumar. She also stated that the minor girl is under her care and she has to make certain statements before this court. So, prayed to implead her as 2nd respondent in the Guardian Original Petition proceedings.

3. The 1st respondent has filed a counter objecting the impleading of parties in the proceedings. In his counter he has denied the allegations levelled about the death of his wife and demand of amount and jewels etc.,

3.2 Many of the averments in the counter are relating to the replies to the allegations of demand of dowry, failure to provide adequate food and shelter to the deceased and the mysterious circumstances in which the said Divya died. They are not directly relevant to the disposal of the present petition on hand.

4. THE POINT FOR CONSIDERATION IS :-

Whether the petitioner is a proper and necessary party to the proceedings in the appointment of Guardian, are not?

5. Heard, the learned counsels appearing for the proposed petitioner and respondents. Read the averments in the affidavit, petition and counter.

6. As stated supra, in the matter of appointment of guardian for a minor girl Dheekshana, her biological father has filed a petition under Section 7(1), 10 and 25 of Guardian and Wards Act, 1890. His father-in-law one Ravichandran, who is the father of the petitioner's wife, the deceased Divya, has been contesting the same. When the matter is posted for respondent side evidence, the present petition under Order 1, Rule 10 CPC is filed. The petitioner sought to be impleaded as 2nd respondent in the proceedings is none else than the wife of the first Respondent in the proceedings. Though, there are various allegations are leveled each other by the petitioner and respondent, the material aspect to be taken into consideration in the present petition on hand is whether the presence of this proposed petitioner is necessary for the adjudication of the dispute of guardian of a minor girl. Equally, this court has to consider whether the proposed petitioner is a proper and necessary party for the proceedings on hand.

7. From the careful reading of the material on record the proposed party is a wife of the said Ravichandran, who is already been examined as RW.1 in the matter of appointment of guardian. At this stage, impleading RW.1's wife as a party to the proceedings would cause further delay in the matter.

8. Further, there is no reason stated in the affidavit for not filing this petition at the earliest point of time. The proposed petitioner is well aware of the present proceedings for appointment of guardian. She has been waiting for about 3 years and now when the matter is at the penultimate stage, has come forward with this petition. Absolutely, there is no valid reason stated to file this petition at a belated stage.

9. Coming to the facts, the proposed party wants to bring before this court, there is no bar to enter in the witness box and depose as a witness on the side of her husband RW.1. She can also resort to Section 126 BSA, 2023 and step into the shoes of her husband and let in evidence as per law. In the matter of appointment of guardian the proposed party's husband the said Ravichandran already filed a detailed counter and contesting it for teeth and nail. At this stage, the proposed party's presence is not necessary and she is not a proper or necessary party to this proceedings, as her husband is already been impleaded as a respondent.

10. For the discussions and reasons stated above, this petition deserves dismissal.

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

Dictated to the steno-typist, taken by her in short hand, transcribed by her in computer, corrected and pronounced by me in the open court this 17th day of February 2026.

**District Judge,
Mayiladuthurai.**

Annexures:-

Petitioner side witnesses and documents:- Nil

Respondent side witnesses and documents:- Nil

**District Judge,
Mayiladuthurai.**

Order: (Fair & Draft)
I.A. No. 4/2025 in
GWOP. No. 347/2023
Dated: 17.02.2026