

TNRM010001592024



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.

PRESENT:- **THIRU. A.K.MEHBUB ALIKHAN, B.L.M., L.L.M.,**
PG.D.PM/IR, Dip.in.J.J & J.Psy.,

PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.

Friday the 15th day of November 2024

I.A. No.4/2024 in ORIGINAL SUIT NO.7/2024

Jamruth Begam ... Petitioner/Plaintiff

Vs.

1.Abdul Rahman
2.Jennath Beevi
3.Paritha Beevi
4.Rubba
5.Eswari
6.Kamalam
7.Periyasamy
8.Ramjan

1 to 8 Respondents/
1 to 8 Defendants

9.Hamza ... 9th Respondents/9th
proposed party

This petition coming on 14.11.2024 for final hearing in the presence of Thiru.B.Sundarrajan. M.A., M.L., the learned counsel for petitioner and of Thiru.C.Ravichandran, B.A., B.L., the learned counsel for the respondents and after hearing the arguments of both sides and on perusal of entire materials on

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record, this Court delivers the following:-

ORDER

This petition filed by the petitioner/plaintiff under Order 1 Rule 10 (2) of CPC.

2. Brief averments of Petition :

The petitioner is plaintiff in the suit and she has filed the suit for partition of her 1/5th share. The defendants have filed written statement and have stated that Mohamed Maideen had two wives named Syedhun Beevi and Aasma Beevi and that the respondents 1 to 3/ defendants 1 to 3 are the children through the 1st wife. The defendants have further stated that there is one son named Hamza through the 2nd wife and he is not impleaded as a party in this suit. The petitioner has stated that she has purchased the property from one Hamza son of Mohamed Maideen, and the said vendor is entirely different and unconnected with the respondents. However, since the defendants have raised questions as if the said Hamza from whom the petitioner has purchased the property is the son of Mohamed Maideen through his 2nd wife Asma Beevi, he is a necessary party to this suit and he has to be impleaded as the 9th defendant. Hence the petitioner has filed this petition to implead the said Hamza as 9th defendant in the suit and prays to allow the petition.



3. Brief contention of Counter filed by the Respondents 1 to 3 :

The respondents 1 to 3 have filed counter *inter alia* stating that the averments made by the petitioner that there is no connection between the said Hamza and the family of respondents is false and the petitioner has admitted in her cross examination that the sale deed reveals that the vendor Hamza is the son of Mohamed Maideen through his 2nd wife . Hence the said false allegations have to be rejected and the petition has to be dismissed.

4. Point for consideration in this petition is,

“Whether the petition can be allowed?”

5. Answer to point:

Heard both sides.

The learned counsel for the petitioner argued that since the defendants have raised a plea of non-joinder of necessary parties in the suit for partition claiming that Hamza is the son of Mohamed Maideen through his 2nd wife Asma Beevi, the petitioner has filed this application to implead him as a defendant.

6. On the other hand the learned counsel for the respondents 1 to 3 contended that the petitioner has made false averments and the petition has to be dismissed.

7. It is found that the petitioner has purchased the property from one Hamza son of Mohamed Maideen. It is also contended by the parties that he is

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described as the son of Mohamed Hamza through his 2nd wife . However the petitioner has claimed that he is not connected with the family of the respondents and taking advantage of the similarity of his father's name, the respondents are attempting to create confusion .

8. Considering the fact that the said Hamza is admitted to be the son of Mohamed Maideen through his 2nd wife, whether he is connected to the family or not can be decided only in the trial. No serious prejudice will be caused to the parties if he is impleaded as a defendant in the suit, Further, it would be helpful in fair disposal of the case and arriving at a fair conclusion of shares of the parties.

9. Hence it is held that the petition be allowed and the proposed parties be impleaded as the 9th defendant in this suit. This point is answered accordingly.

In the result, the petition is allowed without cost.

This order is dictated to the Steno-Typist, transcribed and typed by her in the computer, corrected and pronounced by me in the open court this the 15th day of November 2024.

Sd/. A.K.MEHBUB ALIKHAN,
Principal District Judge,
Ramanathapuram.
15.11.2024

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Both side Witness and Documents :-

Nil

Sd/. A.K.MEHBUB ALIKHAN,
Principal District Judge,
Ramanathapuram.
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