

In the Court of District Munsif, Mudukulathur

Present : Ms.J.C.Aparna, B.A, L.L.B.,

District Munsif,

Mudukulathur.

Thursday the 12th day of February 2026

I.A.No.01/2025

in

O.S.No.56/2018

Mohanadas

..... Petitioner/Plaintiff

/VS/

1. Krishnammal

2. Murugan

3. Pandiyammal

4. Arunagiri

5. Savithri

6. Malathi

... Respondents/Defendants

7. Rakku

8. Vasuki

9. Jeyamurugan

10. Gowri

11. Gnanasundhari

12. Sanjaikumar

13. Suresh

...Respondents/ Proposed 7 to 13 defendants

This petition came on 07.01.2026 before this court for a final hearing in the presence of S.Chandrasekar, Learned Counsel for the Petitioners/plaintiffs, Thiru.K.Velusamy, Learned Counsel for the 1, 2 Respondents/ 1, 2 defendants, and other respondents/defendants set exparte and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed under Order 1 Rule 10 (2) of CPC to implead the proposed parties as 7 to 13 defendants in the main suit.

2. The contention of the Petitioner/plaintiff in brief:-

The petitioner is the plaintiff in the main suit. The main suit is filed in respect of Survey No. 417/10. The suit property was inspected by the commissioner appointed by this court and in his report it is mentioned that Survey No. 417/10 has been subdivided into Survey No. 417/10A, 417/10B, 417/10C. Out of which patta for Survey No. 417/10A stands in the name of Kundumani and Karuppaiya, and patta for Survey No. 417/10B, 417/10C stands in the name of Karuppaiya (2nd respondent/defendant). The said facts were brought to the petitioner's knowledge only when the Court Commissioner measured the suit property. The above mentioned Kundumani and Karuppaiya are deceased. The legal heirs of the above Kundumani are Raku, Vasuki, Jeyamurugan and Gowri. Similarly, the heirs of Karuppaiya are Gnanasundhari Sanjaykumar and Suresh. The above persons are necessary parties to the case. Therefore, it is necessary to implead the above persons in the suit as the proposed 7 to 13 defendants. Hence prays to allow the petition.

3. Brief averments of the 1,2 Respondents/1,2 defendants in brief:

The 1, 2 respondents/ 1,2 defendants deny the averments in the petition. The petitioner has no right or possession over the suit property in Survey No. 417/10. Survey No. 417/10 was the absolute property of Muthu and after his demise, his legal heirs, Alagarsamy, Krishnammal, and Karuppaiya divided the same among them. The suit property was subdivided in the year 2018 itself and the petitioner is well aware of the same. It is denied that the proposed parties are legal heirs of Kundumani and Karuppaiya. The said persons are not necessary parties to the suit property. Hence prays to dismiss the petition.

4. Point for consideration:-

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. The petition was reserved for orders by granting liberty for both sides enquiry on or before 22.01.2026. After giving sufficient opportunities, both counsels did not enquire the matter. Available records perused.

5. Answer to the Point:-

5.1. Perused available records. It is the case of the petitioner/plaintiff is that the suit was filed for the relief of declaration and recovery of possession in respect of survey number 417/10. A commissioner was appointed and a report and plan was filed after inspecting the suit property. In his report, the commissioner has mentioned that the suit survey number is subdivided into 417/10A, 417/10B and 417/10C. The petitioner/plaintiff seeks to implead the persons in whose favour the subdivided patta stands for the same.

5.2. Whereas the respondents/defendants state that the petitioner/plaintiff is well aware of the fact that the subdivision was made in the year 2018 itself and states that the proposed parties are not the legal heirs of the persons in whose favour the patta was subdivided. The respondents/defendants also admit that the suit survey number was subdivided. The main suit is filed for the relief of recovery of possession. Hence it is necessary to implead the persons who are currently in possession of the suit property on the basis of revenue records as they are necessary parties and an effective decree cannot be passed in favour of the plaintiff as declaration is also sought. The fact that whether the subdivision was made in the year 2018, whether the petitioner/plaintiff was aware of the same at the time of filing of the suit or whether the proposed parties are legal heirs of Kundumani and Karuppaiya in whose name the subdivided pattas stand are a matter for trial and not within the purview of this application. Hence in the light of the above discussions, this court comes to a conclusion that

the proposed parties are necessary parties to the suit and in the result, this petition is allowed and no order as to costs.

7. In the result, this petition is allowed. No order as to costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 12th day of February 2026.

**District Munsif,
Mudukulathur.**

Both side witnesses and documents : Nil

**District Munsif,
Mudukulathur.**