

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Tuesday, this the 2nd day of December 2025

I.A.No.6 OF 2024
in
O.S.No.18 OF 2021

1. Mohammed Ali
2. Akasar Ali
3. ShaheenPetitioners/Plaintiffs.

-Vs-

1. Abdul Wahaf (died)
2. V.Arunaeswari
3. The Manager,
City Union Bank, Ranipet.
.....Respondents/Defendants.

4. N.Yasar Afthah
5. Dilshath
.....Respondents/Proposed parties.

This application is coming before me for final hearing on 24.11.2025 in the presence of Thiru.P.Prasannakumar, Advocate for Petitioners and Thiru.C.Thiruvankadam, Advocate for the 2nd respondent and Thiru.K.M.Boopathi, Advocate for the 3rd respondent, Thiru.T.M.Mohammed Masood, Advocate for the 4th respondent and Thiru.S.Divakar, Advocate for the 5th respondent and the 1st respondent was died and upon hearing the arguments of petitioners side and no representation for the respondents 2 to 5 at the time of argument and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following:-

ORDER

The petitioners/Plaintiffs have filed the application Under Order 1; Rule 10(2) of CPC seeking an order to implead the proposed parties as defendants 4 & 5 in the suit.

1. The 3rd petitioner has filed an affidavit in support of the application stating that they have filed the above suit as against the defendants 1 to 3 on the plea that their father, the deceased 1st defendant had unlawfully cancelled the registered settlement deed executed by him in favour of the plaintiffs and thereafter executed the registered sale deed dated 20.03.2014 in favour of the 2nd defendant which is not valid and the mortgage created by the 2nd respondent in favour of 3rd defendant bank will not bind the plaintiffs. The petitioners/Plaintiffs have further stated that the proposed parties are necessarily to be impleaded or otherwise there is no possibility for complete adjudication of the subject matter of the suit.

2. The 2nd respondent/2nd defendant has filed a counter contending that she is a bonafide purchaser of the suit property for valuable consideration and the present application filed by the petitioners is not maintainable. The 1st proposed party has filed a counter contending that the petitioners have not given any reason in the affidavit with regard to necessity of impleading the proposed parties in the suit as defendants 4 & 5. It has been further stated by the 1st proposed party that his name has been mistakenly given as Yasar Afthah instead of Yasar Afthab.

3. Point for determination is :-

Whether the application filed by the petitioners/Plaintiffs to implead the proposed parties as defendants 4 & 5 in the above suit is deserved to be allowed?

4. Point: a) On perusal of records, it is seen that the plaintiffs have alleged in the plaint that their father, the deceased 1st defendant had illegally cancelled the registered settlement deed dated 07.02.2012 and thereafter executed the sale deed in favour of 2nd defendant and in turn the 2nd defendant had mortgaged the suit property with the 3rd defendant Bank which will not bind the plaintiffs. The plaintiffs have prayed the relief of declaration of title over the suit property and

also to declare the sale deed dated 20.03.2014, mortgage deed dated 21.08.2014 are null and void and also for the relief of permanent injunction against the defendants 1 to 3.

b) The 1st defendant who is the father of the plaintiffs died and the 2nd defendant remained exparte. The 3rd defendant Bank alone has filed written statement in the suit contending that the 2nd defendant failed to repay the mortgage loan amount and hence the suit property was sold in auction after initiating action under SARFAESI Act.

c) It is to be noted that the petitioners/Plaintiffs have not given any reason in the affidavit as to the purpose for which the proposed parties are to be impleaded in the suit as defendants 4 & 5. Even though the petitioners have produced the copy of sale certificate issued by the Authorized Officer of 3rd defendant Bank in favour of the 1st proposed party under SARFAESI Act, the petitioners/Plaintiffs have not given any particulars about the SARFAESI Act proceedings initiated by the 3rd defendant Bank and the auction sale held under the SARFAESI Act. As rightly pointed out on the side of the 1st proposed party, when there is no allegations, cause of action or relief against the proposed parties, they cannot be impleaded in the suit as defendants. Considering the above circumstances, this court is of the view that the proposed parties are neither necessary parties nor proper parties to decide the issue involved in the suit. There is no merit in the application and hence the application is liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. No cost.

Dictated by me to the Steno-typist transcribed and typed by her in the computer, corrected and pronounced by me in the open court, on this the 2nd day of December 2025.

I Additional District Judge,
Ranipet.