

**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.

Wednesday, this the 10th day of December 2025

I.A.No. 2 of 2019

in

O.S.No.52 of 2018

...

1. Sindhu
2. Savitha

..... Petitioners/Plaintiffs.

-Vs-

1. Chinnakuzhanthai @ Alamelu (Died)
2. Rukmani
3. Sundari
4. Suguna
5. Sathish
6. Kumar
7. M. Prabakar
8. D. Pandiyan
9. G. Chandiran
10. C.Krishnamoorthi

.....Respondents/Defendants.

11. The Village Administrative Officer,
Kizhminnal Village,
Walaja Taluk, Vellore District.
12. The Thasildar,
Thasildar Office,
Walaja, Vellore District.
13. Assistant Engineer,
Assistant Engineer Office,
Operation and Maintenance,
Rathinagiri Village and Post,
Walaja Taluk, Vellore District.
14. The Christian Medical College, Vellore
Representative Secretary for its Association,
Vellore Town and District.

15. V.S.Nathan
16. L.Sathish
17. S. Kavitha
18. R.Srividhya
19. A. Kamalakkannan
20. Munisamy ..Respondents/proposed parties

This petition is coming before me for final hearing on 03.12.2025 in the presence of Thiru.M.Gnanam, Advocate for Petitioners, Thiru.L.Manoharan, Advocate appeared for the respondents 2, 3, 10 & 20 but counter not filed and hence they were set exparte, Thiru.Kumara Selvam, Advocate for 4th respondent, Tmt.K.Sujatha, Additional Government pleader for proposed respondents 11 & 12, Thiru.D.Purushothaman, Advocate for 13th respondent, Thiru.C.Sampath, Advocate for 14th respondent, Thiru.T.A.Md.Akbar Basha, Advocate for 15th respondent and Thiru.A.G.Selvaraaj, Advocate for respondents 16 to 19 and the respondents 5 to 9 are remained set exparte and upon hearing the arguments of both side 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 respondents 11 to 20/ proposed parties as defendants 11 to 20 in the above suit.

1. The 1st petitioner/1st plaintiff has filed an affidavit in support of the application stating that they have filed the above suit as against the defendants 1 to 10 for the reliefs of partition, declaration and permanent injunction; when the suit is pending the defendants 2 & 6 have been unlawfully constructing a building in the 1st item of the suit properties and also attempting to get revenue records and electricity connection in their names for the said building; that after filing the suit the plaintiffs came to know on 04.09.2018 about the invalid sale deed dated 31.05.2007 executed

by 16th respondent in favour of 14th respondent in respect of the properties in Survey Nos.318/2A, 318/2B, 318/2D, 318/2G and 318/2H; that the 19th respondent as a power agent of respondents 16 to 18 had executed a invalid sale deed dated 10.01.2013 in favour of 14th respondent in respect of the properties in Survey Nos.320/1H, 320/1H1 and 320/1L; that the 19th respondent had executed invalid sale deed dated 29.04.2013 in favour of 14th respondent in respect of the properties in Survey Nos.320/1H and 320/1H2; that the respondents 14 & 20 have executed an invalid exchange deed dated 30.10.2014 in respect of the properties in Survey No. 320/1M; that the properties sold and purchased by the proposed parties were ancestrally belonged to the grandfather of the plaintiffs and hence the alienation made by the proposed parties will not bind the share of the plaintiffs and hence the plaintiffs are going to include the above properties as 7th item in the plaint schedule of property and hence it is necessary to implead the proposed parties as defendants 11 to 20 in the above suit.

2. The respondents 11 & 12 who are the Revenue Officials have filed a counter contending that they are discharging duties as per law and hence they are unnecessary parties to the suit. The 13th respondent who is the Officer of Electricity board has filed a counter contending that Electricity Service connection was already provided to the affidavit mentioned property and hence the application against the Electricity board is become infructuous. The 14th respondent is the Christian Medical College, Vellore and the Secretary of the said College has filed a counter contending that the affidavit referred properties are not the subject matter of the suit filed by the plaintiffs and hence the 14th respondent is unnecessary party to the suit. The 15th respondent has filed a counter contending that he had got every right and title to sell the property to the 14th respondent and the application filed after lapse of several years from the date of sale transaction is barred

by limitation and he is unnecessary party to the suit. The respondents 16 to 19 have filed a counter contending that the allegation that the properties referred in the affidavit belonged to the grandfather of the plaintiffs is false and hence the application is liable to be dismissed.

3. Point for determination is :-

Whether the application filed by the plaintiffs to implead the proposed parties as defendants 11 to 20 in the above suit is deserved to be allowed?

4. Point :- a) The plaintiffs have filed the above suit for the relief of partition etc., on the specific plea that the plaint schedule mentioned 1 to 6 items of immovable properties ancestrally belonged to their grandfather Gopal and they being the legal heirs of the son of the said Gopal, they are entitled to get shares in the suit properties. The plaintiffs have specifically averred in the plaint that the suit properties are the ancestral joint family properties of the plaintiffs and defendants 1 to 5. The plaintiffs have added the defendants 6 to 10 as purchasers of the suit properties. All the defendants remained *exparte* in the suit.

b) It is to be noted that the plaintiffs have prayed the relief of partition and other reliefs only in respect of six items of immovable properties which are alleged to be situated in Survey Nos.153/32B, 153/22, 151/5, 153/35B, 320/1C and 321/7. But the plaintiffs wants to implead the proposed parties 14 to 20 in the suit as defendants 14 to 20 for the alleged reason that some sale deeds/documents were executed among them in respect of some other properties which are not the subject matter of the suit.

c) It is a settled principle of law that the necessary party is one without whom no order can be effectively made and the proper party is one who is necessary for the final decision of the claims involved in the suit. As stated

above, the plaintiffs have filed the above suit only in respect of six items of immovable properties and the documents executed among the proposed parties 14 to 19 are not related to the suit properties. Even though the petitioners have claimed in the affidavit that they have got share in the properties sold/purchased by the above proposed parties, they have not taken any steps to include those properties in the suit. When the properties dealt with by the above proposed parties are not the subject matter of the suit, there is no necessity to implead the proposed parties 14 to 20 as defendants in the suit.

d) So far as the request of the plaintiffs to implead the Revenue Officials and Electricity board is concerned, the plaintiffs want to implead them mere on the allegation that the respondents 2 & 6 were attempting to get the Revenue Records in their names and also taking steps to get electricity connection to the new construction. It is to be noted that the 13th respondent has specifically stated in the counter that the Electricity service connection has already been provided very long back. Hence there is no need to implead them in the suit. Further mere on the allegation and apprehension of the plaintiffs that the respondents 2 & 6 were attempting to get revenue records in their names, the Officials of Revenue Department cannot be impleaded in the suit especially when no relief is claimed against them in the suit. Considering the above circumstances, this court is of the view that the presence of proposed parties is not necessary for proper decision of the questions involved in the suit. The proposed parties are neither necessary parties nor proper parties to the suit and hence the application is liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. There shall be no order as to 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 10th day of December 2025.

I Additional District Judge,
Ranipet.