

**IN THE COURT OF THE III ADDITIONAL DISTRICT JUDGE, SALEM.  
PRESENT : Thiru. G.SRI RAMA JEYAM, B.L.,  
III Additional District Judge,  
Salem**

**Tuesday, the 8<sup>th</sup> day of August 2023**

**I.A.No.1/2021 in O.S.No.342/2018**

Sindhamani

..... Petitioner / Plaintiff

/ Versus /

1. Thangammal  
2. Sakthivel  
3. Kannan  
4. Rathinasamy  
5. Vasantha  
6. Prabavathi  
7. Kalaiselvi  
8. Govindhi

..... Respondents 1 to 8 /  
Defendants 1 to 8

9. Chinnakannu  
10. Chandra  
11. Tamilselvi

.... Respondents 9 to 11 /  
Proposed parties

This petition came up on 12.07.2023 for final hearing before me in the presence of Thiru.M.Jagannathan, Advocate for the Petitioner / Plaintiff and Respondents 9 to 11/ Proposed parties remained exparte and there is no appearance for Respondents 1 to 8 and upon hearing the arguments of the Learned Counsel for the Petitioner and upon perusing the records and having stood over for consideration till this day, this Court delivers the following

**ORDER**

Plaintiff in OS.No.342/2018 is the Petitioner in the above Application, which is filed under Order 1 Rule 10 C.P.C. praying this Court to permit the Petitioner to implead Respondents 9 to 11/ proposed parties as Defendants 9 to 11 in the above Suit.

2) According to the Petitioner, in the Written Statement filed by the 2<sup>nd</sup> Respondent, it is stated that the Mother of the Petitioner by name Chinnakannu (R9), Sister of the Petitioner by name Chandra (R10) and one Tamilselvi (R11), who is the Sister of the 2<sup>nd</sup> Respondent, are not added as parties in the above Suit. Since, Respondents 9 to 11 have already relinquished their share in the properties, initially, they have not added as parties to the Suit. However, to avoid multiplicity of proceedings, the Petitioner has filed the present Application seeking to implead those proposed parties as Defendants in the above suit. Thus, the above Petition may be allowed.

3) Proposed parties 1 to 3 remained exparte.

4) Despite opportunities granted, the remaining Respondents have not filed their counter.

5) Now, the Point that arises for consideration in the above Application is that Whether the Proposed parties can be added as Defendants in the above Suit?

**Point:**

6) Heard the Learned Counsel appearing for the Petitioner and perused the records.

7) It is true that in the Written Statement filed by the 2<sup>nd</sup> Respondent, it is stated that Respondent No.9 is the Wife of Late Sembanna gounder and Respondent No.10 is his Daughter. It is also stated that one Selvi is the daughter of Late Chinnathangam. It appears that Respondent No.11 may be the said Selvi. Thus, Proposed parties/ Respondents 9 to 11 appear to be necessary and proper parties to the above Suit. Hence, this Court is inclined to allow the above Application.

8) However, considering the fact that the Suit is of the year 2018 and the 2<sup>nd</sup> Respondent has filed his Written Statement as early as on 21.02.2019 and the present Application came to be filed only on 01.12.2021, this Court feels that some cost may be imposed upon the Petitioner for the delayed filing of the present Application.

In result, the above Application will be allowed on condition that the Petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards cost to the District Legal Services Authority, Salem on or before 21.08.2023. Failing which, the above Application will be dismissed.

Call the above Application on 22.08.2023.

Dictated to the Steno-Typist, transcribed by her, corrected and pronounced by me in open court, this the 8<sup>th</sup> day of August 2023.

III Additional District Judge,  
Salem.

**APPENDIX:**

Petitioners' Side Witnesses and documents : NIL

Respondents' Side Witnesses and documents : NIL

III Additional District Judge,  
Salem.