

IN THE COURT OF THE III ADDITIONAL DISTRICT JUDGE, SALEM.
PRESENT : Thiru. G.SRI RAMA JEYAM, B.L.,
III Additional District Judge,
Salem
Friday, the 1st day of March 2024

I.A.No.2/2023 in O.S.No.232/2015

Bhaskaran @ Subramaniyam
represented by his power agent Ms.S.Kanimozhi Petitioner / Plaintiff

/ Versus /

1. M.Chinnapaiyan
2. Kala Respondents 1 and 2 / Defendants

3. Rajendran
4. Kumar
5. Selvi
6. Aravind
7. Sekar Respondents 13 to 7/
Proposed parties

This Petition is coming on this day for hearing before me in the presence of Tr.S.V.Sivakumar, Advocate for Petitioner / Plaintiff and Tr.V.Ponmudi, Advocate for Respondents 1& 2/ Defendants 1 & 2 and the Proposed parties remained exparte and upon hearing the arguments of the Learned Counsel appearing for Petitioner and on the side of Respondents 1 and 2 and upon perusing the records and having stood over for consideration till this day, this Court delivers the following

ORDER

Plaintiff in O.S.No.232/2015 is the Petitioner in the above Application, which is filed under Order 1 rule 10 CPC, praying this Court to implead Respondents 3 to 7/ Proposed parties as Defendants 3 to 7 in the above Suit.

2) Heard both sides and perused the records.

3) It seems that the Grand Father of the 1st Respondent by name Sadaya Goundar had executed a Settlement Deed dated 15.06.1967 thereby gifted several properties to his two Grand Sons namely Kandasamy and Chinnapaiyan (D1) jointly.

4) It further seems that Chinnapaiyan (D1) has executed a Settlement Deed dated 30.04.2015 in favour of his Daughter Kala (D2) and thereby gifted his undivided half share in the Suit properties to her. Therefore, it prima facie seems that the remaining half share belongs to the branch of Kandasamy Goundar.

5) Learned Counsel appearing for both sides would submit that Chinnapaiyan(D1) has filed another Partition Suit in O.S.No.402/2019, seeking the relief of Partition, on the file of the II Additional District Court, Salem and the same is still pending. It is also represented that in the said Suit, Plaintiff in the present Case is not a party. Therefore, the proposed parties, who are the Legal heirs of Kandasamy Goundar, seems to be necessary and proper parties to the lis.

6) Thus, this Court is inclined to allow the above Application for the purpose of complete adjudication of this Case.

In result, the above Application is allowed. No cost.

Dictated to the Steno-Typist, transcribed by her, corrected and pronounced by me in open court, this the 1st day of March 2024.

III Additional District Judge,
Salem.

APPENDIX:

Petitioner's Side Witnesses and documents : NIL

Respondents' Side Witnesses and documents : NIL

III Additional District Judge,
Salem.