

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, ATTUR**

PRESENT : **Tmt. D. JANSIRANI, MBA., LL.M.,**  
ADDITIONAL DISTRICT MUNSIF, ATTUR.

Wednesday, 5<sup>th</sup> day of November 2025

**I.A. No. 7/2025 in O.S. No. 204/2003**

**CNR No. TNSA13-000047-2003**

Vellaiammal

. . . Petitioner/Proposed Party

/Versus/

1. Pitchai Gounder @ Pitchannan (Died)

2. Sadayammal

3. Dhanam

4. Balamurugan

5. Palaniyammal

. . . Respondents/Plaintiffs

6. Ponnuvel (Died)

7. Kanagarathinam

8. Kandasamy

9. Perumayee

10. Mohankumar

11. Tamilselvi

. . . Respondents/Defendants

This petition is came up for final hearing before me on 24.10.2025 in the presence of Thiru.T.Govindhan, Advocate for the Petitioner/Proposed party and, Thiru.P.Lachathipathy, Advocate for the Respondents 2 to 5/Plaintiffs, Respondent 7 to 11/defendants called absent set exparte, upon hearing the enquiry on either side, and upon perusing the materials records, and having stood over till this day for consideration, this date, this court delivers the following,

## **ORDER**

The Petitioner/Proposed party has filed this petition under Order.1 Rule 10 CPC praying to implead the proposed parties, as D7 in the above suit.

### **2. Brief averments made in the petition :**

The petitioner/proposed party submits that the 1<sup>st</sup> Respondent/1<sup>st</sup> Plaintiff filed the above suit against the respondents 6 to 9/defendants 1 to 4 for the relief of permanent injunction in respect of suit property. There are two irrigations open well in S.No. 5/1A, belong respondents No. 6 to 9/ defendants No. 1 to 4 and the 1<sup>st</sup> respondent / 1<sup>st</sup> plaintiff. Moreover, 3 acres land in S.No. 5/1, it was subsequently sub divided into S.No. 5/1C, 5/1D, 5/1E. The said S.No. 5/1E with extent 0.40.5 hectare property was belonging to respondent/plaintiff, S.No. 5/1E lands is irrigated from the common well in S.No. 5/1A through the lands in S.No. 5/1C of respondents No. 6 to 9/defendants No. 1 to 4. The 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff's vendor was bailing water from the common well in S.No. 5/1A to his one acre land, subsequently this 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff was enjoying the legal Right over the common well and the lands in S.No. 5/1E. The respondents No. 6 to 9/defendants No. 1 to 4 right to bailing water from common wells to her lands in S.No. 5/1C, D only but not the lands in S.No. 5/1F, 6/1A, 7/2A, 8. The respondents No. 6 to 9/defendants No. 1 to 4 objected to bailing water to the suit property, hence the suit was filed by the 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff.

The petitioner submit that the 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff had leased the property in S.No. 5/1E and well in 5/1A to the petitioner in the year of 2008. Thereafter the petitioner had been in possession and enjoyment over the suit property of 1<sup>st</sup> plaintiff and suit common well in S.No. 5/1A as lease holder capacity on 19.07.2013 the 1<sup>st</sup> respondent/1<sup>st</sup> plaintiff had sold away his property in S.No. 5/1E and suit common well in S.No. 5/1A to her for the valid consideration of Rs.1,00,000/- and also he was executed an unregistered Sale Deed infavour of her. Originally the lands in S.No.5/1 with extent of 3 acres and

other 2 acres lands belongs to ஊனத்தூர் நிலக்குடியேற்ற சங்கம் on 2.11.1993 the aforesaid Sangam was windup through the Governmen Proceedings G.O. No. 255 (Adi-Dravidar and Welfare Department) and Patta in the name of aforesaid Sangam cancelled, the lands belongs to Sangam was reclassified as Tharisu. So, in the above said reason, the Sale-Deed in the name of his which was executed by the respondent/plaintiff was unable to registered the same.

Therefore, from the year 2008 have been in possession and suit common well in S.No. 5/1A, cut family having agriculture land on the enjoyment over the property of 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff in S.No. 5/1E and western side of existing possession holder ie, respondent/plaintiff and the respondents No.6 to 9/defendants to 1 to 4 which is shown in the suit rough plan was filed by the 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff in the suit. She have been in possession and enjoyment over the alleged Sale Deed property along with our family property. Furthermore, she had bailing water from the suit common well in S.No.5/1A and 5/1E. They have been in possession and enjoyment over the suit common well and suit one acre land. Prior to present the suit, respondents No. 6 to 9/defendants No. 1 to 4 had given false complaint before Thalaivasal Police Station against the petitioner and her husband who 2nd respondent/ 2nd defendant in the suit in O.S. No. 283/2013 which was filed by the 2nd respondent/ 2nd defendant and his sons namely Ramesh, Iyyappan as well as this 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff in Crime No. 356/2013 for objection the 1<sup>st</sup> respondent/ 1<sup>st</sup> plaintiff to take water from the common well to their property which are not covered bailing water from the common well.

The petitioner submit that the 1<sup>st</sup> respondent/1<sup>st</sup> plaintiff had lost his possession right in S.No. 5/1E and suit common well, which are suit property in the case, she having right of possession and enjoyment through the valid Sale Deed which was executed by the 1st respondent/ 1<sup>st</sup> plaintiff and also having right to bailing water from the suit common well. Furthermore, the 1st respondent /1st plaintiff with colluded with respondents No. 6 to 9/defendants

No. 1 to 4 and they have intention to withdraw the suit in O.S. No. 283/2013 and O.S. No.204/2003, whereby, his legal right of possession as well as bailing water from suit common well and water channel in S.No. 5/1C and cart track will be affected. In the circumstances, the 1st respondent / 1st plaintiff namely Picha Gounder was died, hence, the respondents 2 to 5/ plaintiffs 2 to 5 are arrayed as a plaintiffs in the suit as a legal heirs of deceased 1st plaintiff. 6th respondent / 1st defendant namely Ponnuvel died, the respondents 10 and 11 were arrayed as a defendants 5 and 6 in the suit.

The respondents 2 to 5/ defendants 2 to 5 are colluded with respondents 6 to 11 and defendants 1 to 6 to defect his sale deed relation of suit property and they are trying to grab his possession and enjoyment over the suit property, hence, she has filed the suit in Os No.221/2017 in relation to the suit property before the Honorable Principal District Munsif of Attur against the respondents No. 1 to 5/ plaintiffs No. 1 to 5 which is now pending to protect the right, title, interest possession over the suit property on the instigation of respondents No.6 to 9 / defendants No. 1 to 5 the respondents No. 2 to 5/ plaintiffs No. 2 to 5 gave false complaint before the Thalaivasal Police Station and registered a Criminal case against his and her husband, sons, in the year of 2024. Already, I.A. No. 1009/2017 was filed by me to implead me in the suit, that was dismissed for default due to non payment of patta on 20.9.2018, 22.10.2018, restore petition filed it was restored, his counsel's mobile number forgotten, and change of his office, on 31.7.2025 only she acknowledged his implead petition was dismissed for default. She would be hardship if this respondents No. 2 to 5/ plaintiffs No. 2 to 5 were not pressed the suit. Therefore, she had implead as a defendant in the suit in order to protect my right, interest, legal possession over the suit property. So, She was a necessary party to suit and also she is very fit and proper person to lead the suit. Hence this petition filed for the above purpose.

**2. Brief averments made in the counter of 5<sup>th</sup> Respondent/ 5<sup>th</sup> Plaintiff and adopded 2, 3, 4<sup>th</sup> Respondents/plaintiffs**

The suit property is stand as Tharisu Land as per the village account. But our Honorable High court judicature of Madras ordered to Revenue Divisional Officer of Attur to decide the properties which are belong to the ஊனத்தூர் நிலக்குடியேற்ற சங்கம் As per the orders of High Court, the Revenue Divisional Officer passed an order or proceedings in the above said property on 06.10.2022 under ந.க.2624 2004/ஆ.1. As per the proceedings the RDO and their subordinate clearly mentioned as "who are in possession and enjoyment of the ஊனத்தூர் நிலக்குடியேற்ற சங்கம் But the above said proceedings never recognized the possession and enjoyment of the suit property as the petitioner. Hence the petitioner filed this petition without any documentary evidence to show the possession or enjoyment of the suit property in her favour. Hence the petitioner un necessary party to the suit. As per law the inclusion of the non necessary parties also ended in dismissal of the suit.

The petitioner never produced any lawful document regarding the suit property. Hence the petition is a un necessary party. Hence the petition may be dismissed as a un necessary party to the suit. The alleged un registered aale deed dated was not mentioned anywhere. In the list of documents also never revealed about the date of Sale Deed in the name of Vellaiammal. Further the suit property is standing in the name of Government as Tharisu Land. Hence the plaintiff or the above said Vellaiammal have no right any valid document regarding the suit property. All the documents and the pleadings were stated in the affidavit are false and against the law. The above said document is self serving documents. It was created for getting un lawful gain from the plaintiffs. Hence the petition is not maintainable as per law and also the present petition is to be liable to dismissed in "ab initio" as per law. Hence prayed for dismissal of this petition.

3. ***Now the point for consideration is Whether the petitioner/Plaintiff is entitled to get the relief prayed in the petition?***

4. Both side argument heard. The petition, counter and records are carefully perused.

The petitioner submits that the 1st plaintiff originally filed the suit for permanent injunction in respect of the suit property in S.No. 5/1A. The petitioner claims that she had taken the suit property and the common well on lease from the 1st plaintiff in 2008, and that subsequently, on 19.07.2013, the 1st plaintiff executed an unregistered sale deed in her favour for valid consideration. Since then, she claims continuous possession and enjoyment of the property and the common well. She further states that her rights will be affected if the present suit is proceeded with without her being a party, and therefore she seeks to be impleaded as a defendant in order to protect her possession and interest.

The respondents 2 to 5 / plaintiffs have filed their counter, contending that the property is classified as *Tharisu Land* and that the petitioner has no valid or legal document to establish her right, title, or possession. It is further stated that the alleged unregistered sale deed is not legally valid, and that the petitioner is neither a necessary nor a proper party to the suit. Hence, they prayed for dismissal of the petition.

After careful perusal of the pleadings, the counter, and the documents produced it is seen that the petitioner claims possession and enjoyment of the property in S.No. 5/1E and of the common well in S.No. 5/1A by virtue of an unregistered sale deed and long possession. She contends that her rights over the property are directly connected to the subject matter of the present suit, and that the outcome of this case would materially affect her legal interest.

Under **Order I Rule 10(2) CPC**, the Court has ample power to implead any person as a party whose presence is necessary for the effective and complete

adjudication of all the questions involved in the suit. The principle behind this provision is to avoid multiplicity of proceedings and to ensure that all parties having a direct or substantial interest in the subject matter are heard together.

Even though the petitioner's title may yet be in dispute, her plea of possession and her alleged interest over the suit property cannot be ignored. The Court finds that the determination of the rights claimed by the petitioner is essential for a complete and final decision in the suit. Therefore, she is both a proper and a necessary party to the proceedings.

In view of the above discussion, this Court is of the considered opinion that the presence of the petitioner is necessary for the effective adjudication of the suit.

In the result,

This Petition is allowed, Without cost.

This Order is dictated to the Steno typist directly, typed by her, corrected and pronounced by me in the open court on this the 5<sup>th</sup> day of November 2025.

**Additional District Munsif  
Attur**

List of Documents and Witnesses on Both side:

**Nil.**

**Additional District Munsif  
Attur**

A.D.M. Court, Attur.

DRAFT / FAIR ORDER

I.A. No. 7/2025 in O.S. No. 204/2003

Dated : 05.11.2025