

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
ADDITIONAL DISTRICT COURT, SIVAGANGAI.**

**Present: Tmt.R.Sathiathara,M.A.,M.L.,
Additional District Judge,
Additional District Court,
Sivagangai.**

Dated Tuesday, the 22nd day of November 2022.

2052 Thiruvalluvarandu Subakrith on Tuesday 06th day of Karthigai Thingal

**I.A.No.2/2022
in
OS.No.26/2021**

Karuppiah		... Petitioner/Plaintiff
	-//Vs//-	
1. Mari		... 1 st Respondent/ 1 st Defendant
	-//Vs//-	
2. Periyannan		
3. Sub-Registrar No.II, Sivagangai.	...	2,3 proposed respondents / 2, 3 defendants

This petition is coming on 08.11.2022 before me in the presence of Thiru.M.Rajamuthan, counsel for the Petitioner and Thiru.S.Krishna, counsel for R1, and R1 called absent set exparte for non filing of counter and R2, R3 are called absent set exparte for non-appearance and on perusal of records and documents and on considering the evidence and on hearing arguments this court delivered the following

ORDER:

Petition filed under order 1 rule 10 CPC to implead Periyannan purchaser from defendant and Sub-Registrar No.II, Sivagangai as 2nd and 3rd defendant in the suit.

The averments in the affidavit in brief is as follows:

2. The petitioner is plaintiff in the suit. Suit is filed for specific performance. The petitioner sent petition to Sub-Registrar, Sivagangai that during the pendency of O.S.No.26/2011 no document to be registered in the meantime and submitted his objection. The said notice was received on 18.03.2021. But the Sub – Registrar registered the sale deed executed by the defendant in favour of Periyannan. Hence it is necessary to implead the purchaser and Periyannan and Sub-Registrar No.II, Sivagangai as 2nd and 3rd defendant to avoid further transactions.

Point to be decided:

3. Whether the petition to be allowed to implead Periyannan and Sub-Registrar, Sivagangai as 2nd defendant and 3rd defendant in the suit?

4. On the side of the petitioner no oral and documentary evidence adduced. The respondent remained exparte.

Points for consideration:

5. The petitioner is plaintiff in the suit. Suit is filed for specific performance. The petitioner sent petition to Sub-Registrar, Sivagangai that during the pendency of O.S.No.26/2011 no document to be registered in the meantime and submitted his objection. The said petition was received on 18.03.2021. But the Sub – Registrar registered the sale deed executed by the defendant in favour of Periyannan. Hence it is necessary to implead the purchaser Periyannan and Sub-Registrar No.II, Sivagangai as 2nd and 3rd defendant to avoid further transactions. The respondents

remained exparte. By adding the proposed 2nd and 3rd defendant, they will not be prejudiced as they are only formal parties and no cause of action mentioned as against them. So in the interest of justice as 2nd respondent is subsequent purchaser during the pendency of the suit and 3rd respondent is the Sub-Registrar who registered sale deed they are permitted to be added as formal parties. Accordingly this point is answered in favour of the petitioner.

In the result, petition is allowed. No cost.

Dictated to the typist and typed by him in the computer in my presence and corrected and pronounced by me in open court this the 22nd day of November 2022.

Additional District Judge,
Sivagangai.

List of witness and documents on the side of the Petitioner and repondents: Nil

Additional District Judge,
Sivagangai.