

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Monday, the 23rd day of March, 2026

IA.No.03/2025

in

OS.No.60/2024

1. Gunasekaran

2. Marimuthu

...Petitioners

-Vs-

1. Bhuvaneshwari@Selvi

2. Kalimuthu

3. Salethmary

4. The Sub-Registrar, Devakottai

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.B.Siva learned advocate for the Petitioner, Thiru.Deva learned advocate for the Respondents. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order I and Rule 10 and 151 of CPC

1. The averments in the petition are as follows:

The petitioners are the proposed 4th and 5th defendant in the main suit. The petition has been filed seeking to implead them as parties in the main suit. They state that the plaintiff has obtained an order against them in the Judicial Magistrate Court of Devakottai and crime number 02/2022 has been filed against

them and is pending. Similarly, they have also obtained an order against them in the District Registrar Office of Karaikudi. They also state that, the District Registrar, Karaikudi has issued an order against the suit property along with survey number 49/4B, which was quashed by the Honourable High Court of Madras, Madurai Bench by writ petition number 12366/2025. This being so, plaintiff has filed the suit without adding the petitioners as parties and without adding the survey number 49/4B. They also stated that the proposed 4th defendant is the brother of the husband of the plaintiff Selvi and that he took care of the final rights of the above plaintiff's husband when he died and that the above said plaintiff did not attend her own husband's funeral. They also stated that the above said plaintiff Selvi has refused to live with her husband after the birth of the child and has even went on to change the name of their children. They also stated that a suit has been filed against them stating that they have sold the suit property along with survey number 49/4B to the 2nd defendant. Hence, they state that they should be added as parties in the main suit to know about to whom the suit property actually belongs. He also stated that adding them as proposed parties in the main suit will not cause any harm or prejudice to the parties in the main suit. Hence, they pray for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent denies the contention of the petition and states that survey number 49/4B is not in anywhere related to the suit property and that this petitioners have only signed as witnesses in the document which is disputed before the District Registrar, Karaikudi. They also stated that the petitioners are in no way related to the suit property and hence no purpose will be served in impleading them as party in the main suit. They state that the names of her

children are Leelavati and Sreenath and the name of this respondent is Bhuvaneswari alias Selvi and that all the documents exist in the same name. She also states that the District Registrar, Karaikudi has ordered in favour of her, and that she has also produced the copy of the passports of her husband and the birth certificate of the children along with the plaint. She has also filed the certified copy of the forged settlement deed along with the plaint. She also states that the petition has been filed to waste the court time, hence she prays for the petition to be dismissed

3. Now the question to be decided is whether the petition has to be allowed or not?

3(i). Petition and counter perused. Enquiry heard on both sides. The petition has been filed seeking to implead the petitioners as defendants in the main suit. The petitioner has stated the reason that the plaintiff/the respondent has filed several petitions before the revenue authorities stating that the petitioners have created forged document with respect to the suit property along with another property. On the other hand, the respondent has denied the contention of the petition and stated that the survey number 49/4B as stated by the petitioner is nowhere related to the suit property and that they have filed this petition only with an intent to drag on the proceedings of the case and prayed for the petition to be dismissed. Both side averments perused. The petitioner in order to prove his case has marked five exhibits. On perusal of exhibit P1, it becomes clear that one Mrs.Marimuthu wife of Gunasekaran has given petitions to the Additional Director General of Police, the District Registrar of Karaikudi, the Inspector of Police, the Deputy Superintendent of Police, Director General of Police, and many other officials regarding how Mrs.Selvi and Muthaiah has

executed forged sale deed with respect to survey number 49/4B by stating false particulars and asking to cancel the said sale deed. On perusal of exhibit P2, it becomes clear that the notice for enquiry has been given in pursuance of the petition given by one Mrs. Bhuvaneswari alias Selvi regarding the cancellation of document number 2506/2003, 2046/2004, 3562/2006, 1030/2013. On perusal of exhibit P3, it becomes clear that the said Bhuvaneswari alias Selvi has given petition to the District Registrar, Karaikudi stating that one Mr. Gunasekaran has fraudulently executed a sale deed with respect to survey number 17/5C in favour of one Mr. Kalimuthu and the said Kalimuthu has subsequently executed another sale deed in favour of Salethmary and hence has prayed to cancel the document numbers 2506/2003, 2046/2004, 3562/2006, 1030/2013. Exhibit P4 is a counter filed by the said Marimuthu and Gunasekaran for the petition given by the plaintiff. Exhibit P5 is a copy of the petition given by the said Mrs. Maruthu to the various authorities along with the postal receipts.

3(ii). On perusal of all these exhibits, it becomes clear that the plaintiff/the respondent has filed petitions to various authorities stating that that the said Mr Gunasekaran has fraudulently executed a sale deed with respect to survey number 17/5C and his wife, Mrs. Marimuthu has fraudulently executed as a sale deed with respect to survey number 49/4B and prayed for the concerned sale deeds to be cancelled. It becomes clear that the plaintiff has filed the suit for the survey number 17/5C and has sought for the prayer of cancellation of the sale deeds of number 2506/2003, 2046/2004. On perusal of the documents produced by the petitioner, it becomes clear that the plaintiff of this case has made allegations with respect to the same suit property regarding the petitioner in this petition stating that they have fraudulently executed the sale deed. The plaintiff has added the said Salethmary as the only defendant in whose favour the said

Kalimuthu, who bought the property from Mr.Gunasekaran has executed a sale deed but has failed to add the said Gunasekaran as party in the main suit. On perusal of records and documents, it becomes clear that the petitioner of this petition who is the above said Gunasekaran seems to be necessary party to the suit as the said proposed defendant forms an essential part of the cause of action for the suit. Moreover, the plaintiff in his plaint has stated the cause of action as since fraudulent sale deed has been executed in favour of the said Kalimuthu, followed by the said Kalimuthu executing a sale deed with respect to the property in favour of the defendant of the suit, followed by the petition given by the plaintiff to the District Registrar, Karaikudi for cancellation of the fraudulent sale deeds with respect to the properties concerned. But since the suit property is only the survey number 17/5C and the plaintiff has not chosen to file the case regarding the another property of survey number 49/4B, it cannot be stated that the proposed to 5th defendant/2nd petitioner, Mrs.Maruthu is also an essential party because allegations has been made against the said Mrs. Marimuthu by the plaintiff only with respect to survey number 49/4B and since the same is not added as a suit property, it cannot be stated that the said Mrs Marimuthu forms a part of the cause of action. Hence it only becomes important to add the 1st petitioner as a defendant in the main suit, so as to give them an opportunity to put forth their case before the court. The court believes that the proposed defendant/petitioner is essential party to the suit as they form part of the same cause of action. Hence, for effective disposal of the case without any undue delay, it becomes important to add the 1st petitioner as necessary party in the main suit. Also, adding the petitioner as necessary party in the main suit would enable the court to decide the case on merits effectively and would avoid multiplicity of proceedings in the future. Hence, in the interest of justice, this

petition is partly allowed and the first petitioner alone is here by impleaded in the main suit as 4th defendant. In the end, the petition is partly allowed. No order as to cost.

4. Decision

In the end, the petition is partly allowed. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 23rd day of March 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner-Nil-

List of documents on the side of the Petitioner-Nil-

List of witnesses on the side of the Respondents-Nil-

List of documents on the side of the Respondents-Nil-

**District Munsif,
Devakottai.**