

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE (FTC),
THENI.**

**Present : Tmt.G.Sree Devi, B.A. L.L.M.,
Additional District Judge [FTC],Theni.**

Tuesday, the 24th day of March 2026.

IA.No.3/2025 in OS.No.183/2020

Karuppayee	...	Petitioner/Plaintiff
	Vs.	
Chinnasamy	...	Respondent/Defendant
Arivukodi	...	Proposed party/2 nd Defendant

This petition came up for final hearing before this court on 03.03.2026 in the presence of Thiru.Guru.Radhakrishnan, Advocate for the Petitioner and Thiru.S.Manoharan, Advocate for the 1st Respondent and Thiru.S.Ayyappan, Advocate for the proposed party/2nd Defendant and upon perusing the documents and upon hearing both sides and having stood over for consideration till this day, this Court delivered the following :

ORDER

This petition is filed by the Petitioners under Order 1, Rule 10(2) of CPC to implead the proposed party as 2nd Defendant in OS.No.183 of 2020.

2. The Concise Statement made in the petition is as follows:

The Petitioner is the Plaintiff in the main suit. He has filed the suit for Declaration and permanent Injunction against the Respondents/Defendants. The Plaintiff side evidence was completed and on 10.12.2024 case was posted for Defendant side evidence. On 26.03.2025 the Defendant filed proof affidavit and it was posted for cross examination. When pending proceedings the Defendant has sold the suit property to third party who is the proposed 2nd Defendant in the suit. The Defendant has sold the property to Arivukodi by the sale deed document no.3037/2006. The proposed Defendant is claiming ownership over the suit property.

Complaint was given. Presently Arivukodi the proposed 2nd Defendant is trying to alienate the property to some third parties. Hence, this petition to implead the Arivukodi as a 2nd Defendant in the suit.

3. The Concise Statement made in the counter filed by the 2nd Respondent/Proposed party is as follows :

(3.1) The petition is not maintainable either in law or on facts and is liable to be dismissed in limine. The suit property originally belonged to Periyakaruppathevar by the document dated 20.11.1997, he having purchased from Chinnasamy. On 29.05.2006 this Respondent purchased the property and from then in possession and enjoyment.

(3.2) The description of the boundaries in the suit schedule is wrongly described and the Respondent is in no way connected with the suit property. The Petitioner has not filed the E.C. which will reflect the true facts before the court. The first document filed by the Plaintiff shows that the Advocate commissioner has not measured the property with the assistance of revenue records. If the suit property was measured with the assistance of the revenue records the true fact should have been revealed. The Advocate commissioner has inspected the suit property without the assistance of Surveyor and VAO. When the cross examination of PW1 would reveal that impleading of this Respondent is not necessary. The Petitioner under the misguidance of Sundaramoorthi has filed this suit without any basis. The Plaintiff is bed ridden and instead of taking steps to examine him through video conferencing this petition is filed to delay the case.

4. The counsel for the 1st Respondent made an endorsement that the petition may be allowed on heavy terms.

5. No oral and documentary evidence let by both sides.

6. Point for consideration:

Whether this petition to implead the proposed party/2nd Defendant is to be allowed or not?

7. Submissions, Discussions, Decisions with Reasons :

(7.1) Heard both sides, records perused. The learned Advocate for Petitioner submitted that the 1st Respondent sold the suit property to the 2nd Respondent/Proposed party and it is a necessary party to the suit.

(7.2) The learned Advocate for the 2nd Respondent submitted that the Petitioner have filed this petition to drag on the proceedings. The impleadment of the 2nd Respondent is not necessary and prayed to dismiss the petition.

(7.3) The Petitioner is the Plaintiff in the suit. He has filed the suit for Declaration and Permanent Injunction. The Plaintiff side evidence was completed and on 10.12.2024 case was posted for Defendant side evidence. On 26.03.2025 the Defendant filed proof affidavit and it was posted for cross examination. When pending proceedings the Defendant has sold the suit property to third party who is the proposed 2nd Defendant in the suit. The Defendant has sold the property to Arivukodi by the sale deed document no.3037/2006. The proposed Defendant is claiming ownership over the suit property. Complaint was given. Presently Arivukodi the proposed 2nd Defendant is trying to alienate the property to some third parties. Hence, this petition to implead the Arivukodi as a 2nd Defendant in the suit.

(7.4) The 2nd Respondent is the purchaser of the suit property. The 1st Respondent without the knowledge of the Petitioner/Plaintiff sold the suit property to the 2nd Respondent suppressing the material facts. The 2nd Respondent is the transferee and is a necessary party.

(7.5) The *Hon'ble Supreme court in H.Anjanappa and others -vs- A.Prabhakar and others in Civil Appeal No's 1182 - 1183 of 2025* – Held “that the scope of Order I

Rule 10 and Order XXII Rule 10 CPC is similar. Therefore, the principles applicable to XXII Rule 10, in order to bring a purchaser pendente lite on record, are applicable to Order I rule 10 CPC. Order I Rule 10(2), the court is required to record a finding that person sought to be impleaded as party is either necessary or proper party....., the court is not require to go in the controversy as to whether person sought to be impleaded as party in the suit is either necessary or proper party. If the person sought to be impleaded as party is legal heir of a party to suit, it is sufficient for the court to order impleadment / substitution of such person”.

(7.6) Hence, for the fore going reasons, this court considers that the 2nd Respondent/Proposed party is necessary party to the suit, his impleadment would enable the court to effectually and completely adjudicate upon and settle all the questions involved in the suit.

8. In the result, this petition is allowed.

Dictated by me, directly typed by Steno-Typist into computer, corrected and pronounced by me in the open Court, this the 24th day of March 2026.

(Sd/-) G.Sree Devi,
Additional District Judge,
Theni.

Petitioner and Respondents side Witnesses and Documents : - Nil -

(Sd/-) G.Sree Devi,
Additional District Judge,
Theni.

/ True copy /