

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THENI.

Present: Thiru. C.Sanjai Baba, B.A.,LLB.,

Principal District Judge, Theni

Thursday the 06th day of July 2023.

I.A.No.02/2021

-In-

O.S.No.19/2021

Rajeshkanna

... Petitioner / Plaintiff

-Versus-

1. Govindaraj

2. Shenbhagavalli

... 1,2 Respondents / Defendants

3. Imrankhan

4. Sub Registrar, Theni

... 3,4 Respondents/Proposed Parties

This petition was taken on file on 22.04.2021 and came up before me on 04.07.2023 for final hearing in the presence of Thiru.V.Murugan,, Advocate for the Petitioner/Plaintiff and of Thiru.Guru Radhakrishnan Advocate for the 1st and 2nd Respondents/Defendants and of Tr.M.Jeyakumar, Advocate for the 3rd respondent/ proposed party and 4th respondent remained set exparty and upon perusing the records and on hearing petitioner side arguments, this Court delivered the following;

ORDER

The petitioner/plaintiff has filed this petition to implead the proposed parties as defendants in the suit.

2. Heard both sides. The specific contention of the Learned Counsel for the petitioner is that the pending suit, the defendants no.1,2 had in order to cheat the plaintiff had sold the suit scheduled properties to the proposed parties no.1 by a sale deed dated 21.1.2021 and the proposed parties have planned to divide the properties in to house plots and alienate to other 3rd parties by register of sale deeds before the proposed respondents no.1. Therefore the plaintiff is compelled to implead them so as to seek further relief against them in the suit.

3. The defendants no.1,2 filed their counter stating that they never intended to sell the suit property to any 3rd parties as alleged and that the proposed parties are unnecessary parties and therefore they need not be impleaded. The proposed respondent no.1 has filed this counter stating that he purchased the property from the defendants no.1 and 2 by a sale deed dated 21.01.2021. Therefore this court finds that the defendant no.1, 2 had given a false reply before this Court that never intended to sell the property.

The further contention raised by the respondents is that the sale agreement was unregistered and therefore it is not valid. The said contention is not acceptable in view of Section 49 of Registration Act. Therefore this Court is

of the view that the proposed party No.1 is a necessary party in the suit and therefore he has to be impleaded, otherwise that would lead to multiplication of proceeding and the suit would never come to end. This will cause severe prejudice to the plaintiff. Therefore this court is of the view that the proposed party no.1 have to be impleaded as a party and the 2nd proposed party is only the registering authority . Therefore he need not be made as a party in the suit.

Therefore this petition is partly allowed, permitting the plaintiff to implead the proposed party no.1 and as 3rd defendant in the suit. With the above observation this petition is partly allowed. No cost.

In the result, this petition is partly allowed. No cost.

Dictated to the Stenographer, transcribed by her in computer, corrected and pronounced by me in open court, this the 06th day of July 2023.

**Principal District Judge,
Theni.**

Petitioner side witness and documents:-

-Nil-

Respondent side witness and Documents:-

-Nil-

**Principal District Judge,
Theni.**