

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS,
PERIYAKULAM.

Present: Tmt.S.Sameena, B.A. L.L.B.,
Additional District And Sessions Judge,
Periyakulam.

Friday, the 06th day of December 2024.

CNR.No.TNTH09 000032 2014

I.A.No.02/2024

- in -

O.S.No.24/2014

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1. Raja Gopalan S/o. N.Krishnasamy Naicker,
aged about 68 years Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,
2. Raj Kumar S/o. K.Raja Gopalan,
aged about 35 years and Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,
3. Saravanakumar S/o. K.Raja Gopalan,
aged about 33 years and Partners of
Sri Venus Textiles,
No.1 Shed SIDCO,
Madurai Road, Theni District.,

... Petitioners/
plaintiffs

// Vs. //

1. Thilaga W/o. N.K.Seenivasan,
aged about 60 years and residing at
Door No.43, Krishna Colony,
Coimbatore South, Coimbatore District.
2. Seenivasaga S/o. Venkidasamy,
Power of Attorney of S.Thilaga as 1st defendant
aged about 67 years and residing at
Door No.29/11, Gandhiji Road, N.R.T. Nagar,
Theni Taluk, Theni District.
3. Seenivasan S/o. N.Krishnasamy Naicker,
aged about 60 years and residing at
Door No.43, Krishna Colony,
Coimbatore South, Coimbatore District. ... 1st 3rd respondents/
defendants
4. Kannan S/o. Venkatasamy,
aged about 45 years and residing at
Door No.4-166A/4-352, Ganesapuram,
Kandamanur, Aundipatti Taluk,
Theni District. ... 4th respondent/
proposed party

This petition came up for hearing before me on 26.11.2024 in the presence of Mr.R.Kumar, Learned Counsel for the petitioners/plaintiffs and Mr.S.Ramaraj, Learned Counsel for the 2nd respondent/2nd defendant and Mr.M.Kannan, Learned Counsel for the 4th respondent/proposed party and upon perusing the petition and counters 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/plaintiffs under Order 1, Rule 10 (2) CPC to implead the proposed party/4th respondent as additional defendant.

Heard both sides.

2. Point for consideration:

1. Whether the petition can be allowed ?

Point No.1.

3. The petitioners who are plaintiffs in the suit have filed this petition seeking to implead one Kannan as 4th defendant, on the ground that pending suit, 2nd defendant as the Power of Attorney of 1st defendant had executed a registered Sale Deed on 18.07.2017 in respect of undivided 1/3rd shares in the Plaint Schedule Property, without consideration and it is a sham and nominal and invalid document. The petitioners has produced Ex.P.1 wherein the proposed 4th defendant V.Kannan, has filed an affidavit in E.P.No.19/2022 in R.C.O.P.No.04/2015 before the District Munsif, Theni, stating that he may be impleaded as a party as he is the purchaser of the property as per registered Sale Deed dated 18.07.2017.

4. This court is of the considered view that to avoid multiplicity of proceedings, the said purchaser has to be impleaded as a party and this court is of the view that the proposed party is a necessary and proper party in this case and the petition is to be allowed and this point is answered accordingly.

5. In the result the petition is allowed and the 4th respondent/proposed party is impleaded as 4th defendant.

Dictated by me, directly typed by Steno-Typist into computer, corrected and pronounced by me in the open Court, this the 06th day of December 2024.

Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.

Document on the side of the Petitioners/plaintiffs:

Ex.P.1. - Petition of I.A.No.--/2022 in E.P.No.19/2022 in R.C.O.P.No.04/2015 of District Munsif Court, Theni, dated 19.09.2022.

Petitioners/plaintiffs side evidence: Nil.

Respondents/defendants side Nil.

Witness and Documents:

Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.