

**IN THE COURT OF IV<sup>th</sup> ADDITIONAL DISTRICT JUDGE, UDUMALPET.**

**PRESENT: Thiru.M.Nambirajan,, B.A., B.L.,**

**IV<sup>th</sup> Additional District Judge, Udumalpet.**

**Thursday, the 8<sup>th</sup> day of January, 2026**

**IA.No. 1 of 2025 in O.S.No. 507 of 2018**

D. Karthikeyan

... Petitioner/Plaintiff

Vs.

1. V. Dhandapani

2. D. Rajesh

3. D. Anitha

4. D. Kasturi

5. The Branch Manager,  
ICICI Home Finance,  
Tiruppur Branch

..... Respondents/Defendants

1. Prabhulingam,

2. Karthika

..... Respondents/Proposed parties

This Petition came before me for final hearing on 26.11.2025 in the presence of Thiru.C. Jeyabalan, Advocate for the Petitioner/Plaintiff and Thiru.P.N.Rajendiran, Advocate for the 1<sup>st</sup> Respondent to 4<sup>th</sup> respondents/Defendants, and Thiru.T.Kanagasundaram, Advocate for the 6<sup>th</sup> respondent/Proposed party, Respondents 5 & 7 are remains exparte and having heard both sides and on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

**Order**

This petition has been filed under Or.1 R.10 r/w. section 151 of CPC to implead the proposed parties as 6<sup>th</sup> and 7<sup>th</sup> defendants in this suit.

**2. Precis on the petition:-**

**2.1)** The petitioner herein and plaintiff in the above suit. The petitioner has filed the suit for partition and separate possession and also declaration as

against the defendants and the plaint may be read as part and parcel of this affidavit. The proposed parties are the subsequent purchasers of a portion of suit properties. During the pendency of the suit, the 4<sup>th</sup> defendant sold a portion of the suit property to the 1<sup>st</sup> proposed party namely Prabhulingam on 04.07.2019 by virtue of a registered sale deed registered as document No. 5538/2019 before the SRO, Udumalaipet. Accordingly the 4<sup>th</sup> defendant sold another portion of the suit property to the 2<sup>nd</sup> proposed party namely Karthika on 19.02.2020 by virtue of a registered sale deed registered as document No. 1604/2020 before the SRO, Udumalaipet. Now only the petitioner came to know the fact that the 4<sup>th</sup> defendant sold out two different portion of suit properties to proposed parties. Since the 4<sup>th</sup> defendant sold out two different portion of suit properties to proposed parties without his knowledge and consent, those sale transactions are not binding on the petitioner legitimate share in the suit properties and the said sale deeds are sham and nominal and void ab-initio.

**2.2)** Unless the proposed parties are added as a 6<sup>th</sup> and 7<sup>th</sup> defendants in the above suit, the petitioner will be put into irreparable loss and hardship and the proposed parties must be added as a 6<sup>th</sup> and 7<sup>th</sup> defendants for the proper adjudication of the above suit. Hence it is just and necessary to implead the proposed parties as 6<sup>th</sup> and 7<sup>th</sup> defendants in the above suit in the interest of justice. Hence this petition.

### **3. Counter statement filed by the proposed party:**

**3.1)** The petition is false, frivolous, vexatious and not maintainable either in law or on facts. This respondent does not admit any of the allegations, except those that are specifically admitted herein. The petitioner has stated that the 4<sup>th</sup> respondent had sold a portion of the suit property to this respondent/proposed party as per the sale deed dated 04-07-2019 and to another proposed party Karthika under a sale deed dated 19-10-2020 but the petitioner has stated that he is unaware of the sale deeds which is totally false and stated

for the sake of this petition and the suit. This respondent is a bonafide purchaser, purchased the portion of the said property from 4<sup>th</sup> respondent for valuable consideration. After the said purchase, this respondent had developed the property in to a shopping complex and put up his own shop for sale of agricultural implements, pesticides and manure in the name and style of Jaya Agro Service and the vacant plot was originally unapproved. So the 7<sup>th</sup> respondent proposed party had got the plot approved by the Director of Town and Country planning on 04-02-2019 and this respondent proposed party has purchased the same for his business purpose. This respondent/proposed party does not admit the averment in para 4 of the affidavit. The petitioner had averred that this respondent/proposed party had purchased the portion of the suit land during the pendency of the suit. So the sale transaction is not valid and binding on him, are all made with petition mentioned properties and having waited for about 6 years, having utilised the sale proceeds when the property got appreciated and developed, the petitioner had colluded with respondents 1 to 4 and come up with this petition in a belated manner which is neither maintainable on law or on facts.

**3.2)** This respondent/proposed party does not admit the averment in para 5 of the affidavit. The averment that if this respondent is not added as party along with other respondent, he will be put to irreparable loss and hardship is an averment for the sake of this petition. This respondent has purchased the suit property from the 4<sup>th</sup> respondent on 04-07-2019 and having purchased the same for a valuable consideration as a vacant land had availed loans from Nationalised banks and constructed shopping complex over the purchased lands. Ever since then he is conducting business over the said property in the name and style of Jaya Agro service. The petitioner is well aware that of the fact, has come up belatedly with a malafide intention and in collusion with other respondents. Hence, this petition may be dismissed with cost.

4. Point for consideration is, whether the petition can be allowed or not?

5. Heard perused

6. It is contended by the petitioner's counsel that, the petitioner herein, is plaintiff in the original suit, and the respondent no.1 to 5 herein is defendants in the original suit, the petitioner has filed the suit for partition, declaration and separate possession against the defendants no.1 to 5, during the pendency of the suit, the 4<sup>th</sup> defendant sold the portion of the scheduled property to the proposed party no.1 and 2, by way of two separate sale deeds respectively, 5538/2019 and 1604/2020 on the file of Sub Registrar Office, Udumalpet, the 4<sup>th</sup> defendant sold the different portion to the proposed parties without petitioner's knowledge and consent, so, the above said sale transaction are not binding the plaintiff / petitioner, therefore, the petitioner has filed this application to implead the proposed party as defendants no. 6 and 7.

7. On the other hand, the learned 6<sup>th</sup> respondent's counsel has contended that, the proposed 6<sup>th</sup> respondent is a bonafide purchaser and he had purchased the portion of the scheduled property for the valid consideration, the proposed 6<sup>th</sup> respondent purchased the portion of the scheduled property from the 4<sup>th</sup> respondent on 04.07.2019, and at the time of purchasing above said property, was a vacant land, after purchasing the property, the proposed 6<sup>th</sup> respondent constructed a shopping complex, through availing nationalised bank loan, and thereafter, he has conducting business over the said property in the name and style of Jaya Acro Service, the above said facts was well aware by the petitioner, hence, the petitioner has filed this application with malafide intention, with belatedly, hence this petition is liable to be dismissed.

8. On considering the both side submissions, perusal of entire materials, it is showed that, the petitioner/plaintiff filed this original suit for partition, declaration and separate possession and other reliefs, this original suit was filed by the petitioner on 08.02.2018, further, on perusal of available material, it is

manifested that, during the pendency of the suit, the 4<sup>th</sup> respondent sold the portion of the scheduled property in favour of the proposed 6<sup>th</sup> defendant, on 04.07.2019, through document no.5538/2019 on the file of SRO, Udumalpet, it is also admitted by the 6<sup>th</sup> proposed defendant, through counter filed by him, further on perusal, it is showed that, the 4<sup>th</sup> respondent sold another portion of scheduled property in favour of 7<sup>th</sup> proposed defendant through doc.no. 1604/2020, on 19.02.2020, on the file of SRO, Udumalpet, it is contended by the 6<sup>th</sup> proposed defendant that, he is a bonafide purchaser, the above said fact was well aware by the petitioner, the petitioner has filed this petition belatedly with malafide intention.

9. On considering the above side contention, this court viewed that, in order to avoid the multiplity of litigation and decide the real justice between the both parties, and the interest of justice, this petition is allowed without any cost.

**10. Result,**

In the result, this petition is allowed without any cost.

Dictated by me to the Steno-Typist, transcribed in Short-hand, computerized by her and corrected by me and pronounced in the Open Court on this the 8<sup>th</sup> day of January, 2026.

IV<sup>th</sup> Additional District Judge,  
Udumalpet.

**Both sides witness and Exhibits :** Nil.

IV<sup>th</sup> Additional District Judge,  
Udumalpet.

Fair/ Draft Order  
IA No.1/2025 in  
O.S.No.507/2018  
D.D: 08.01.2026  
IV<sup>th</sup> ADJ Udumalpet