

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS
JUDGE, THANJAVUR.**

**Present :Thiru. P.Nagarajan, M.A.,M.L.,
II Additional District & Sessions Judge, Thanjavur.**

**Tuesday the 17th day of February 2026
(Thiruvalluvar Aandu 2057- Maasi Matham 5th day)**

IA No.2/2025 in O.S. No.97/2024

(1) Viji
(2) Saravanaselvan
(3) Shanmugapriya

.....Petitioners/plaintiffs

/Vs/

(1) Sambanthasamy
(2) Elangovan
(3) Muthukumar
(4) Senthamilselvi
(5) Saroja
(6) The Sub-Registrar, Thanjavur.

.....Respondents/Defendants

Kesavan

.....Respondent/Proposed party

This petition having come up for final hearing before me on 10.02.2026 in the presence of Thiru.**M.Sivaraman**, Advocate for the Petitioners/plaintiffs and of **Thiru.R.Udhayakumar**, Advocate for the Respondents 1 to 5 and of 6th respondent remained exparte and upon hearing the arguments of both sides, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court delivered the following

ORDER

(1) This petition filed by the petitioners u/o.1 R.10 of CPC. to permit the petitioners to implead the 3rd party Kesavan as 7th petitioner in the original suit.

(2) The Gist of the affidavit filed by the petitioners/plaintiffs along with the petition can be stated as follows:

The 1st petitioner is the 1st plaintiff in the original suit. The petitioners filed the suit for partition. The defendants appeared and written statement also filed. In the stage, the 1st defendant has executed a sale deed in favour of Kesavan Cholagar Chidaparam on 20.06.2025 at 6th respondent office in respect of 4th item of suit property. The suit property is ancestral property, undivided family property. Some property was purchased from joint family income, originally belonged to her husband's grandfather Late Muthusamy. The above said late Muthusamy has been possession and enjoying the suit property until his death. After the death of Muthusamy, the husband of 1st petitioner and all the respondents have become absolute owner of the suit property. The self acquired property of late Karunakaran, her husband Karunakaran has purchased some property in the name of above said Sabanthasamy, there is no arrangement in respect of property by the late Muthusamy, after the death of Muthusamy the petitioners and the respondents have

become legal heirs of Muthusamy, till the date there are no partition between the petitioners and respondents in respect of suit properties. They have got right to entitle their $\frac{1}{4}$ share from the suit properties. The suit is pending in the stage the 1st respondent/defendant sold suit property, it is not binding them, there is no consideration, the 1st respondent did not wantonly. So, the petitioners to add as a party Kesavan Cholagar S/o.Chidaparam, in the suit as one of the defendant in the suit. If this petition is not allowed by this court the petitioners will be put irreparable loss and great hardship. Hence, this petition is to be allowed.

(3) Counter not filed on the side of respondents.

(4) Points for consideration:

Whether this petition has to be allowed?

(5) Point:

Heard both sides. Records perused. The petitioners contented that the 1st defendant has executed a sale deed in favour of Kesavan Cholagar Chidaparam on 20.06.2025 at 6th respondent office in respect of 4th item of suit property. The suit property is ancestral property, undivided family property. Some property was purchased from joint family income, originally belonged to her husband's grandfather Late Muthusamy. The above said late Muthusamy has

been possession and enjoying the suit property until his death. After the death of Muthusamy, the 1st petitioner and all the respondents have become absolute owner of the suit property. The self acquired property of late Karunakaran, her husband Karunakaran has purchased some property in the name of above said Sabanthasamy, there is no arrangement in respect of property by the late Muthusamy, after the death of Muthusamy the petitioners and the respondents have become legal heirs of Muthusamy, till the date there are no partition between the petitioners and respondents in respect of suit properties. They have got right to entitle their $\frac{1}{4}$ share from the suit properties. So, the petitioners to add as a party Kesavan Cholagar S/o.Chidaparam, in the suit as one of the defendant in the suit and this petition is to be allowed.

(6) Considering the petitioners' side argument, it is found that the respondents not filed counter on their side and not filed any objection. So, this court viewed that the right of the petitioners was proved before this court. So, the 1st defendant has executed a sale deed on 20.06.2025 at 6th respondent office in respect of 4th item of suit property to one Kesavan Cholagar. So, the said Kesavan cholagar is to be added as 7th defendant in the suit. Hence, this court decides that this petition is to be allowed as prayed for and the point is

answered accordingly.

In the result, this petition is allowed as prayed for. No costs.

Dictated to the Steno-Typist, transcribed by her in computer, corrected and pronounced by me in open court, this the **17th day of February 2026.**

**II Additional District & Sessions Judge,
Thanjavur.**

Petitioners and Respondents side
Exhibits and witnesses: Nil

**II Additional District & Sessions Judge,
Thanjavur.**