

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

**PRESENT: Tmt. K.VIJAYA, B.Sc., B.L.,
ADDITIONAL DISTRICT JUDGE, ARANI.**

WEDNESDAY THE 01st DAY OF FEBRUARY 2023

I.A.No.80/2021 in O.S.14/2020

Mohana

... Petitioner/
proposed 3rd Defendant

-Versus-

1. Purushothaman
2. Arulkumar
3. Sub-Registrar-1

1st Respondent/ Plaintiff

...Respondents 2,3 / 1, 2 Defendants

This petition was coming before me for final hearing on 05.01.2023 in the presence of Thiru.P.Vasudevan, Advocate for the Petitioner / proposed 3rd defendant and the and R1 to R3 called absent, Set Exparte and perusing the relevant records of this case, and having stood over for consideration, till this day, this court delivers the following...

ORDER

Petition filed by the petitioner under order 1 Rule 10(2) of CPC., to implead as 3rd defendant in the suit proceedings.

2) The facts stated in the petition in brief is as follows:-

The petitioner is the 3rd party in the petition and the petitioner has filed this petition to implead himself as 3rd defendant in the main suit. The suit property and other properties originally belonged to his father Govindan. The suit property was purchased by his father Govindan on 14.06.1974 by Registered Sale Deed and father of the petitioner was died intestate on 07.11.1997 leaving behind him, the petitioner, the petitioner's mother Muniyammal brothers Vasu, Ponnurangam and Baskar and one sister Anantha and as such, the petitioner is having 1/6th share in the suit property and other properties of his father Govindan. The petitioner approached the his mother and brothers for partition, but, they refused to do so. After the enquiry, the

petitioner came to know that without this petitioner, on 30.10.2000, they Registered a partition deed. The said partition deed he is not binding this petitioner in any way. The petitioner's brother Ponnurangam along with his son Dinesh and daughter Preetha executed a Registered Power of Attorney dated 17.10.2016 in favour of Natarajan, who in turned, executed a sale deed to his brother Arulkumar dated 12.07.2017. The said Arulkumar is the 1st defendant in the above suit. Hence, the petitioner had file a suit for partition in OS.No.328/2019 before Sub Court, Cheyyar for his 1/6th share in respect of suit property and other properties, besides, declaration of partition deed dated 30.10.2000, General Power of Attorney vide document no.1060/2016, and Sale deed executed by the 2nd respondent/ 1st defendant in favour of 1st petitioner/plaintiff vide document no.419/2017 Thiruvathipuram, Joint Sub-Register-1 or as null and void. Further, seeking permanent injunction against 2nd respondent/ 1st defendant not to alienate the suit property in favour of 1st respondent/ plaintiff and if the 2nd respondent / 1st defendant brings the sale deed before the 3rd respondent/ 2nd defendant not to Registered the Sale Deed. In OS.No.328/2019 on the file of Sub Court, Cheyyar, this suit plaintiff has filed his written statement therein. Due to suppression of above entire facts, it is just and necessary to establish actual facts in the above suit and as such, the petitioner has come forward with this petition. Hence this petition.

3. R1 to R3 called absent, Set Exparte for counter not filed.

4. Perused the petitioner's written arguments and records. On a perusal of records, the petitioner is the 3rd party in the above suit, but, he has a case in respect of suit property of this suit and the petitioner has filed this petition to establish his right over the suit property and to bring out the real facts existed in respect of the suit property. Since the case of the petitioner is having right over the property, no order could be passed without deciding the right of the petitioner in this suit property without his presence. Hence, the petitioner is come under category of necessary

party in the above suit proceedings and without his presence no effective order could be passed in respect of the suit property. Hence in the interest of justice and for effective adjudication the petition is to be allowed.

In the result, this petition is allowed. No Costs.

Dictated by me to the Steno typist and typed by her directly, corrected and pronounced by me in open court, this the 01st day of February 2023.

Additional District Judge,
Arani.

Both Side Witnesses and Exhibits:- Nil.

Additional District Judge,
Arani.

