

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

Present : Tmt.R.Mohana, B.L.,

Subordinate Court, Lalgudi

Dated Friday, the 09th day January 2026

I.A No.23/ 2025 in OS.No.30/2018

(CNR.No.TNTP180051962017)

1. Panneerselvam
2. Kandan (died)
3. P. Ravi
4. Selvamani (died)
5. Singaram
6. Palanisamy
7. Kothari
8. S. Pugazhendi
9. S. Kalpana

..Petitioners/plaintiffs.

- Vs -

1. Chandramohan (died)
2. Settu
3. Anandan
4. Shanmugam
5. Ramasamy
6. Paramasivam
7. Gunasekaran
8. Rosavalli
9. S. Subadevi
10. S.Revathy

11. S. Gomathi

.. Respondents/defendants

This petition came up before this court for final hearing on 02.12.2025 in the presence of the Learned Counsels Thiru.K.Jayaraman - advocate for the petitioners and of Thiru.P.Manikandan Advocate for the respondents No.2, 3, and 8 to 11 and of Thiru.K.Prabhakaran Advocate for the 7th, 12th respondents and 5th and 6th respondents were remained ex-parte and 1st and 4th respondent died and heard both side and upon perusing the case records and having stood over for consideration before this court till this day, today this court hereby delivers the following. . .

ORDER

The petitioners have preferred this petition under order 1 rule 10 (2) of CPC, pleased to implead 12th defendant namely Ramkumar as a party/12th defendant as a necessary party to the suit for binding adjudication in above suit for partition. the petitioner as 4th plaintiff in the above suit.

2. Short and Summary of affidavit and petition -

The 1st petitioner is the 1st plaintiff in the above suit. other petitioners are other plaintiffs in the above suit. They have filed the above suit against the defendants for the relief of partition. Even though the 7th defendant filed power of attorney and deposed evidence as DW4, he has produced the registration copy of the power of attorney executed by Ramakumar on 18.05.2008. Under such circumstance Ramkumar is the necessary party and proper party to the proceeding. Under such circumstances Ramkumar is the necessary party and proper party to the proceeding. Under such circumstances he is to be impleaded as 12th defendant for binding adjudication. Unless he in impleaded as 12th defendant, they will be put to serious hardship and loss. Hence, this petition.

3. Gist of Counter filed by the 7th respondent (adopted by R2, R3, R8 to R11) -

The petition is false, frivolous, fallacious and unsustainable in law. All the allegations in the affidavit, except those that are specifically admitted herein, are all denied as false. That the application at this juncture is only an afterthought. This respondent, at the first instance of filing his written statement to the suit, has taken a plea that the necessary party has not been impleaded. The petitioner purposely, wantonly not swung into take action to implead. An extensive cross examination was made and subsequently argued the matter. The matter was posted for reply argument on the side of the 7th defendant and subsequently this application was filed. It is only to drag on the proceedings. The petitioners with an oblique motive in dragging on the matter endlessly. The two sale deeds dated 09.03.2011 and 30.05.2011 are by itself a notice. The plaintiff travelled with the suit for a very long time. After the completion of trial, the matter was posted on 03.12.2018 for argument. The plaintiff filed an application to implead his relative and a party to the partition deed in I.A.No.2/25 and It was allowed. The suit was reopened. Even at that point if time the defendant resisted on the ground Ramkumar is the necessary party. The plaintiff consistently ignored. The suit was bad particularly non joinder of Ramkumar. The matter was argued extensively and posted for reply on the side of the 7th defendant on 26.06.2025. Since the plaintiff argued the matter as though it was after and this Hon'ble Court was granted time for 7th defendant's reply. The said Ramkumar is the necessary party from the filing of the suit in the year 2014. This defendant raised such an issue and was crying for the root off. It was a cry in the wilderness from 2014. Suddenly the plaintiff woke up from the slumber and filed this application. The petitioner is shedding crocodile tears. The application at this juncture is second of its nature. It will require amendment to the plaintiff, statement by Ramkumar and reopening of the trail all over again. It will result in post trial amendment. It is not permissible. It will reopen the entire trial and it cannot be

permitted after the judgment reserved for several times. All other allegations are denied. It is therefore prayed that this Court may be pleased to dismiss the petition with exemplary cost.

4. There is no oral and documentary evidence let in by both sides. Both side argument heard. Available case records perused.

5. Point for determination -

Whether this Petition is allowed or not ?

6. The Learned Counsel for the petitioners argued that the impleadment of Ramkumar is indispensable for a just and binding adjudication of this partition suit. Although the matter is at the argument stage, the necessity of his presence surfaced clearly during the testimony of DW4, who relied upon a registered Power of Attorney executed by the said Ramkumar. As a partition suit requires the determination of shares among all stakeholders, the absence of a party whose rights are inextricably linked to the suit property would render any resulting decree inchoate and unenforceable. To avoid multiplicity of proceedings and ensure that the final decree is binding on all interested parties, the inclusion of Ramkumar as the 12th Defendant is a proper and necessary party and consequently this Petition may be allowed.

7. The Learned Counsel for respondents No.2, 3 and 7 to 12 vehemently opposes this application as a mala fide attempt to frustrate the conclusion of a suit pending since 2014. The Petitioner has remained in a state of willful slumber for over a decade, despite the Respondent expressly raising the plea of non-joinder in the initial Written Statement. Filing this application at the stage of reply arguments and after the completion of trial and previous reopening of the suit constitutes an abuse of the judicial process. Allowing a post-trial amendment at this juncture would cause grave prejudice to the Respondents, forcing a de novo trial and rewarding the Petitioner's negligence. This application is a strategic afterthought designed to drag on the proceedings endlessly and should be

dismissed with exemplary costs.

8. Both sides heard. The case records have been duly perused. This is a suit for partition filed by the Petitioners/Plaintiffs, seeking a 1/2 share in Items 1 to 8 of the suit properties and a 1/6 share in Item 9. The genealogy of the parties is not in dispute: the Plaintiffs are the legal heirs of the late Periyasamy, while Defendants 1 to 4 are the legal heirs of the late Murugesan. Both Periyasamy and Murugesan were the sons of one Kandasamy, to whom the suit properties originally belonged as ancestral holdings. According to the averments in the Plaint, Kandasamy owned Items 1 to 8 in their entirety and held a 1/3 share in Item 9 in joint possession with Defendants 5 and 6.

9. The 7th Defendant, appearing as the Power of Attorney agent for one Ramkumar, has disclosed that the said Ramkumar is his son. It is further pleaded that Ramkumar purchased Items 2 to 4 of the suit properties based on a registered Partition Deed dated 07.05.2003, executed between Defendants 1 to 4. The plea relating to the oral partition is left open to decide in main case. The immediate point for consideration is whether the proposed party, Ramkumar, is a necessary party to these proceedings.

10. The 7th Defendant has himself admitted in his written statement that Ramkumar is a necessary party. Notwithstanding, the defendants insisted in their written statement that the proposed party is necessary party to the suit, the Petitioners have not taken steps to implead him for long period. It is undisputed that his presence is essential to decide the matters in issue and to ensure a binding adjudication. This Court is of the opinion that the proposed party is indeed a necessary party to the suit. However, it is noted that despite the Defendants raising this plea in their written statement years ago, the Petitioners wantonly delayed taking steps to implead him until the stage of reply arguments.

11. Consequently, this Court views that the Petition may be allowed only upon the

payment of compensatory costs to the Defendants for the delay. Accordingly, this Petition is allowed, subject to the condition that the Petitioners pay a total cost of Rs. 2,000/-. This amount shall be distributed equally, in the sum of Rs.250/- each, to the eight contesting Respondents/Defendants on or before 20.01.2026. In the event of any deviation or failure to comply with this condition, the Petition shall stand automatically dismissed with costs.

In the result, this Petition is allowed, subject to the condition that the Petitioners have to pay a total cost of Rs. 2,000/-. This amount shall be distributed equally, in the sum of Rs.250/- each, to the eight contesting Respondents/Defendants on or before 20.01.2026. In the event of any deviation or failure to comply with this condition, the Petition shall stand automatically dismissed with costs.

Dictated to steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **9th** day of **January 2026**.

SUB JUDGE
LALGUDI.

List of Documents

Petitioners side witness and document - Nil.

Respondents side witness and document - Nil.

SUB JUDGE
LALGUDI.

Sub Court, Lalgudi
I.A.No.23/2025 in OS.No.30/2018
Fair/ Draft Orders
Dated – 09.01.2026