

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR**Present: Thiru.R.Revanth., B.A., L.L.B., (Hons.)**

District Munsif,

Thiruvottiyur

Friday, this the 19th day of June 2026**I.A.No.04 of 2026****in****O.S.No.57/2010**

1. S.Nirmala

2. V.Selvi

3. R.Malathi

4. R.Jayanthi

5. M.Srinivasan

...Petitioners/Proposed Defendants

//Vs//

1. J.Thangamani

...1st Respondent/Plaintiff

2. Ramamoorthy

....2nd Respondent/2nd Defendant

3. Mohan

....3rd Respondent/2nd Defendant

This petition came up on 06.06.2026 for final hearing before me in the presence of Thiru.M.Subash Chandra Bose Counsel for petitioners/defendants and M/s. K.Prabhakaran and K.P.Dinesh Counsels for 1st Respondent/Plaintiff and 2nd and 3rd respondent set exparte for not filing counter and upon perusing the available records and upon hearing the enquiry on both side and having stood over for consideration till this date this court made the following:-

ORDER

This petition is filed by the Petitioners/Plaintiffs under Order 1 Rule 10 of CPC to implead petitioners/proposed defendants in O.S.No.57/2010.

2. The averments of the petition/affidavit filed by the Petitioners/Proposed Defendants in short are as follows:

The petitioner states that she was the 1st petitioner herein and the proposed defendant in the above suit. She was filed this petition on behalf of other petitioners/Proposed defendants also. The 1st respondent/plaintiff has filed suit against the 2nd and 3rd respondents/defendants for recovery of possession, who is her own brothers. Originally her father Munivel was the tenant in the suit property stated by the 1st respondent/plaintiff in the above plaint, originally her father was died on 31.07.2006 leaving behind the legal heirs of 1. S.Nirmala 2. V.Selvi, 3. M.Ramamoorthy, 4. R.Malathi, 5. M.Mohan, 6. R.Jayanthi, 7.M.Srinivasan but suppressing the above fact the 1st respondent/plaintiff has filed suit against only M.Ramamoorthy and M.Mohan which is illegal. After demise of the said Munivel, herself and other legal heir's were in the possession in the suit property, but the 1st respondent/plaintiff voluntarily not included her name and other legal heirs. Therefore the petitioner and other legal heirs of the said Munivel is the necessary party of the above suit. Therefore this court may be pleased to implead the necessary party in the above suit. Hence this petition.

3. Brief averments of counter filed by 1st Respondent/plaintiff in short are as follows:-

The 1st respondent/plaintiff states that he was the 1st respondent in the above petition and the plaintiff in the suit. He has filed the above suit for a declaration that he was the owner of the plaint 'B' schedule property and for possession of the

'B'schedule property. The 'B' schedule property which is a shop is a portion of the plaint 'A' schedule property. He has purchased the property on 14.02.1992 by a registered sale deed. At the time of the sale deed mentioned above one Munivel was a tenant of a shop (B schedule property) under the predecessor of the vendor. The 2nd and 3rd respondents are in possession of the shop and are doing business in the shop. Their father Munivel was a permissive occupier of the shop. After the death of the said Munivel the 2nd and 3rd respondents have been carrying on business in the 'B' schedule shop portion. Since, he wanted the shop to be handed over to him. He gave a notice and the 2nd and 3rd respondents gave a reply notice dated 20.11.2009. In that notice the 2nd and 3rd respondents admitted the fact that their father Munivel was a tenant under the predecessor of the vendor of the suit property. They have also admitted that he has purchased the suit property in the year 1992. They have also admitted the property tax for the suit property stands in his name. Further, that the suit was filed in the year 2010 and once the respondents/defendant 2 and 3 remained exparte and a decree for possession of the 'B' schedule property was passed on 04.06.2016. Thereafter they preferred an appeal and the suit was remanded back for fresh trial. Again both the plaintiff's husband was examined as PW-1 and documents Exhibits A-1 to Ex.A8 were marked. Thereafter two witnessess were examined on the side of the defendants 2 and 3 and the suit was reserved for judgment. At that time the respondents 2 and 3 filed a petition to frame an additional issue in I.A.No.03 of 2025 which was allowed on 16.10.2025. Further, the respondent states that about 15 years have gone by from the date of filing the suit and the petitioners herein have filed the present petition to implead them as parties to the suit. There sole intention is

to protract the proceedings for another 10 years. The petitioners have not stated how they are entitled to be implead in a suit for ejectment of a shop in which their father Munivel was a tenant. Further, the plaintiff is the proper person to decide against whom he should seek a relief. The petitioners/proposed defendants, in the affidavit filed by a petitioner by name S.Nirmala has stated her residence is at a different address and she has not filed any document to connect her with the suit property. The 2nd and 3rd respondents/defendants have already let in evidence and did not state that the petitioners/proposed defendants have any interest in the suit property. Hence the respondent prays to dismissed the above petition.

4. Now the point for consideration is whether this petition under Order 1 Rule 10 of CPC has to be allowed or not?

5. Heard on both sides.

6. The petition, counter and other materials available on records were carefully perused. Both sides have not examined any witness and have not marked any Exhibits and documents.

7. According to the petitioner, 1st respondent/plaintiff has filed suit against the 2nd and 3rd respondents/defendants for recovery of possession, who are her own brothers. The petitioner states that originally her father Munivel was the tenant in the suit property as stated by the 1st respondent/plaintiff in the plaint and her father was died on 31.07.2006 leaving behind the legal heirs of 1. S.Nirmala 2. V.Selvi, 3. M.Ramamoorthy, 4. R.Malathi, 5. M.Mohan, 6. R.Jayanthi, 7.M.Srinivasan. The petitioner states that suppressing the above facts, the 1st respondent/plaintiff has filed

suit against only M.Ramamoorthy and M.Mohan which is illegal. The petitioner further states that after demise of the said Munivel, herself and other legal heir's were in possession in the suit property, but the 1st respondent/plaintiff voluntarily not included her name and other legal heir's. Therefore the petitioner and other legal heirs of the said Munivel are the necessary parties of the above suit and they have to be impleaded in the suit.

8. Per contra, the 1st respondent contended that about 15 years have gone by from the date of filing the suit and the petitioners herein have filed the present petition to implead them as parties to the suit. The 1st respondent contended that The petitioner sole intention is to protract the proceedings for another 10 years. The 1st respondent further contended that the petitioners have not stated how they are entitled to be implead in a suit for ejectment of a shop in which their father Munivel was a tenant.

9. The main contention of the petitioners is that they are the legal heirs of Munivel and they were not impleaded in the suit after his demise. The cause of action as per the plaint is the 1st respondent/plaintiff is the owner of the A and B schedule property and the said Munivel was the original tenant in the B schedule property which is a shop portion and after the said Munivel's demise, the 1st respondent/plaintiff met the 2nd and 3rd respondent/1st and 2nd defendants and requested them to vacate the shop and the defendants had not vacated. Admittedly, the suit is filed for the relief of declaration of ownership and recovery of possession. As per this petition, the petitioners and 2nd and 3rd respondent are the legal heirs of the

said Munivel. The 1st petitioner also stated that she and other legal heirs were in possession of B schedule property and they were not impleaded in the suit after her father's demise. But the petitioners did not produce a single document to show that they were in possession of B schedule property. The suit is filed in the year 2010 and this petition is filed in the year 2026. As the petitioners and defendants are blood relatives and legal heirs of said Munivel, it is certain that the petitioners would naturally know about the institution of this suit. The defendants has also not mentioned about impleading the petitioners in the suit. The petitioners also failed to submit sufficient reasons for the delay in filing this petition. Based on the above observations, this court is of the opinion that the petitioners are not entitled for the relief claimed in this petition.

In the result, this petition is dismissed. No costs.

Dictated directly to the Typist, typed by her in the computer, corrected and pronounced by me in open court, this the 19th day of June 2026.

District Munsif,
Thiruvottiur.

List of exhibits and witnesses on both sides: Nil

District Munsif,
Thiruvottiur.