

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi. **R.M. Subathra**, B.A.B.L(Hons.), M.L.(IPR).,
District Munsif, Ponneri.

Monday, the 30th day of September, 2019

I.A.533/2018
in
O.S.No.168/2011

Aravalli

...Petitioner/3rd party

-Vs-

1. K. Mani
2. Karna
3. Vennila

...1st respondent/plaintiff

...Respondents/defendants

This petition having been finally heard on 17.09.2019 in the presence of Mr. R. Kamaraj, learned counsel for the petitioner/3rd party and Mr. G. Sugumar, counsel for 1st respondent/plaintiff and respondents 2 and 3 having endorsed no counter and upon hearing the arguments of both sides and after perusal of the entire records and having stood over for my consideration till this day, this court delivers the following:

ORDER

This is a petition filed under Order I Rule 10 of Civil Procedure Code seeking to implead the petitioner/3rd party as a party defendant in the above suit in O.S.168/2011.

2. The averments set out in the petition affidavit filed by the petitioner is as follows:

a) The petitioner is a third party in the suit filed by the 1st respondent/plaintiff against the respondents 2 and 3 for the relief of declaration that sale deed dated 26.04.2000 is null and void and for permanent injunction not to encumber and alienate the suit property.

b) The petitioner is a proper and necessary party as the sale deed was registered by her and she was a party to the sale deed. The petitioner came to know of the suit only through 2nd defendant. Hence the present petition to implead her as a party to the proceedings. Hence, the petition.

3. The averments set out in the counter filed by the 1st respondent is as follows:-

The 2nd respondent/1st defendant had illegally and fraudulently created the sale deed dated 26.04.2000 without consent of the plaintiff's mother Amirthammal and the plaintiffs sister Aravalli, the petitioner herein, as it was allotted to and in favour of respondent/plaintiff, by oral partition. Hence, it is not necessary to implead the petitioner as party to the suit. Hence, petition is to be dismissed.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. On both sides no oral and documentary evidence was let in.

6. Heard both sides. The present petition is filed under Order I Rule 10 of the code by a 3rd party to implead herself as defendant in the suit filed for the relief of declaration that sale deed is null and void. It is stated in the petition that she is a party to the impugned sale deed and the same has not been denied by the 1st respondent in his counter. The court feels that impleading the petitioner would enable adjudicating effectually and completely upon all the question involved in the suit. This further would not cause prejudice to the respondent. Hence, in view of such discussion, petition allowed.

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

Order directly dictated to Steno-Typist, typed by him, corrected and pronounced by me in the Open Court on this the 30th day of September, 2019.

**District Munsif,
Ponneri.**

List of witnesses on the side of the petitioner

NIL

List of documents on the side of the Petitioner

NIL

List of witnesses on the side of the respondents

NIL

List of documents on the side of the respondents

NIL

**DM,
PNI.**

Fair/ Draft Order
I.A.No.553/2018
O.S.No.168/2011
Date:30.09.2019
DMC,PNI.