

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

**PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.**

Tuesday, the 28th day of April 2026.

I.A.No.304 of 2018
In
O.S. NO.103 of 2012

1. Mani
2. Rajendran
3. Jayagopal

..... Petitioners/Plaintiffs 2 to 4

Versus

1. Subramani
2. Manimekalai
3. Sarala
4. Jagada
5. Vijayakumar
6. K.Ayiram
7. S.Malarveni
8. M.Govindaraj
9. M.K.Renuka
10. M.K.Suchithra
11. D.Malliga
12. V.Perumal
13. P.Komathi
14. G.Chandrasekaran
15. S.Jayalakshmi
16. C.Renuka Devi
17. J.Inbaraj Samuel
18. G.Santhanalakshmi
19. S.Vivekchandar

..... Respondents 1 to 6/Defendants

20. S.Sekar
21. T.Kanniga
22. S.Amsa
23. C.Kumaravelu
24. P.Uma Mageswari
25. S.Vasanthi
26. R.Pushpa Rani
27. T.Dharanipathy
28. R.Hemalatha
29. R.Pawan Sharma
30. V.Banumathi
31. S.Baghiyalakshmi
32. K.Jegannathan
33. J.Vijayakumar
34. J.Dhanasekar
35. R.Muthukrishnan
36. S.Sekar
37. M.Marimuthuvel
38. M.Prabakaran
39. Balakumar
40. S.Suganthi
41. S.Jothi
42. J.Kalavathy
43. S.Ramesh
44. R.Lalitha

..... Respondents 7 to 44/Proposed defendants 7 to 44

This petition came up before me for final hearing on 20.04.2026 in the presence of Mr.N.R.Rangarajan, Learned counsel for the petitioner and Mr.R.Manickavelu, Learned counsel for the Respondents 7, 20 and 32. The other respondents were set exparte in this petition. Upon hearing the arguments made by the learned counsels for the petitioner and the respondents 7, 20 and 32,

and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This application is filed under order 1 Rule 10 Read with Section 151 of Civil Procedure Code praying to add the respondents 7 to 44 as defendants 7 to 44 in the above suit in OS.No.103 of 2012.

2. Brief averments of the affidavit filed by the petitioner are as follows:

The petitioners herein are the plaintiffs in the suit which has been filed by the mother, Kiliyammal, as sole plaintiff seeking partition of her 1/3rd share in the suit properties. Pending suit, Kiliyammal died leaving behind the petitioners as her heirs, and they have impleaded themselves as plaintiffs 2 to 4, thereby becoming entitled to Kiliyammal's 1/3rd share and are proceeding with the suit. The 1st plaintiff, Kiliyammal, who filed the suit as sole plaintiff, is an illiterate lady, and without properly verifying the encumbrance in relation to the suit properties, she had filed the suit. Now, on proper verification of encumbrance, the petitioners have learnt that even before this suit, in relation to suit items 2 and 3, the 1st defendant had created a settlement deed dated 12.09.2011 in the names of defendants 2 and 3, and that the defendants 2 and 3, in collusion with S. Malarveni, the 7th respondent, have created a sale deed dated 17.11.2011 in the name of the 7th respondent, Malarveni, and that Malarveni had made a number of alienations in portions in favour of respondents 8 to 44, many of them before the suit and others after the suit. Any such alleged settlement deed in favour of defendants 2 and 3 and the alleged alienations in favour of respondents 7 to 44 are totally void and invalid and cannot at all affect the 1/3rd share of the plaintiffs in the suit properties. The respondents 7 to 44, who claim rights to the suit property on the basis of alleged registered instruments shown in the encumbrance

certificate in relation to some of the suit properties, are proper and necessary parties to this suit for partition. If they are not added as defendants, there will not be effective and complete adjudication of the suit. If the respondents 7 to 44 are not added as defendants 7 to 44 in the suit, the petitioners will be put to irreparable loss, damage, and injury. Hence this petition.

3. Brief averments of the counter filed by the 20th respondent and adopted by the proposed respondents 7 and 32 are as follows:

The respondents submit that the property in S.No.27/1, extent 0.80 cents, and Survey No.31/2, extent 0.84 cents, totaling an extent of 1 acre 64 cents of land at Medur Village, Ponneri Taluk, Thiruvallur District, is owned by S.Subramani, S/o.Chenga, of Medur Village, Ponneri Taluk, and he had revenue records in his name, i.e., 'A' register extract, patta, chitta, and adangal extract regarding the suit property, and he executed a registered settlement deed in favour of his daughters, namely S. Megala and K. Sarala, who are the 2nd and 3rd respondents in this case, dated 12.09.2011, with S.R.O. Ponneri in Document No.10673/2011 in the above said properties. The 7th respondent in this case purchased the above said properties through a registered sale deed with S.R.O. Ponneri dated 17.11.2011 in Document No.13908/2011. After the purchase, the 7th respondent is the sole owner of the above said properties, and she obtained a patta in her name bearing patta number 1384. The 7th respondent also obtained the chitta and adangal extract in her name. The 7th respondent is the sole owner of the above said properties. The petitioners have wantonly filed this suit expecting huge money from the 7th respondent. The petitioners are residing away from the suit properties and are not having any right or claim over the suit properties. The petition is devoid of merits and is liable to be dismissed. The impleading petition filed by the petitioners is unnecessary.

4. Evidence :

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. Point for determination :

Whether this petition can be allowed or not.

6. Discussion and Findings :

6.1. Heard both sides. Records perused. The present petition has been filed by the petitioners/plaintiffs seeking impleadment of the proposed parties as defendants in the suit for partition and separate possession of 1/3rd share of the original sole plaintiff in the suit properties. It is the case of the petitioners that, upon verification of the encumbrance records, they have come to know about the alleged settlement deed dated 12.09.2011 said to have been executed by the 1st defendant in favour of defendants 2 and 3, and the subsequent sale deed dated 17.11.2011 in favour of the 7th respondent, followed by several alienations in favour of respondents 8 to 44. According to the petitioners, all such transactions are void and not binding on their share, and therefore the presence of the said parties is necessary for effective and complete adjudication of the issues involved in the suit.

6.2. The respondents have opposed the petition contending that the 7th respondent is the absolute owner of the properties by virtue of the registered sale deed and subsequent revenue records standing in her name, and that the petitioners have no manner of right or claim over the suit properties. It is further contended that the petitioners have filed the present petition only to harass the respondents and to protract the proceedings, and that the proposed parties are neither necessary nor proper parties to the suit.

6.3. This Court has carefully considered the rival submissions and perused the materials available on record. The suit is one for partition, wherein the petitioners claim a share in the suit properties and dispute the validity of the subsequent transactions relied upon by the respondents. The existence, validity, and effect of the alleged settlement deed and the subsequent chain of alienations are matters requiring adjudication upon evidence. When such disputes arise, all persons who claim interest in the suit properties under the impugned transactions are proper and necessary parties for effective adjudication.

6.4. It is well settled that in a suit of this nature, the Court is required to examine the entire chain of title and determine the respective rights of the parties. Any adjudication in the absence of persons who are parties to or claim under the disputed transactions may lead to multiplicity of proceedings and inconsistent findings. Therefore, their presence before the Court is essential to enable a complete and binding adjudication of all issues involved in the suit. Further, under the doctrine of dominus litis, the plaintiffs, being masters of the suit, are entitled to choose the parties against whom they seek relief. The power of the Court under Order I Rule 10 CPC is wide and discretionary, and is to be exercised in order to advance the cause of justice and to avoid multiplicity of proceedings. In the present case, the impleadment sought by the petitioners cannot be said to be either unnecessary or mala fide, especially when the proposed parties claim rights over the suit properties.

6.5. Considering the nature of the relief sought, the rival claims made by the parties, and the necessity for comprehensive adjudication of the dispute, this Court is of the view that the proposed parties are at least proper, if not necessary, parties to the suit. Their impleadment would facilitate effective adjudication and avoid further litigation. Accordingly, this petition is allowed, and the proposed parties are directed to be impleaded as defendants in the suit. There shall be no order as to costs.

7. **Result:**

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

Dictated by me to the steno-typist, directly typed by her in her desktop, corrected and pronounced by me in the open court, on this the 28th day of April 2026.

**DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.304/2018
O.S.No.103/2012
Date:28.04.2026
DMC,PNI.