

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Friday, the 10th day of October 2025.

INTERLOCUTORY APPLICATION NO.7 OF 2024

IN

ORIGINAL SUIT NO.105 of 2014

1. Dhayalan (Dead)
2. Chakrapani
3. Sumathi
4. Rekha
5. Balaji
6. Surendhar

..... Petitioners/Plaintiffs

Versus

1. P.Narayanan (by agent V.D.S.Inbanathan)
2. V.D.S.Inbanathan
3. B.Kuppan
4. K.Usha
5. E.Surendharababu
6. J.Baskaran
7. B.Prbhakaran
8. B.Karthikeyan
9. The Nallur Village, Panchayat its President
10. C.Ilangovan
11. Kalairani
12. N.S.Selvam
13. P.Mangilal
14. Premalatha
15. Mr.Lakshmipathy
16. Babulal
17. Mohanlal Seancha
18. Dhanaram
19. R.Indira
20. Mukeshkumar

..... Respondents/Defendants

21. Nagabooshanam
22. Jayalakshmi
23. L.Jothi
24. Khaja
25. Mr.Pasupathy
26. Yuvaraj
27. K.Yogeswaran

.... Respondents/ proposed parties

This petition came up before me for final hearing on 19.09.2025 in the presence of Mr.N.R.Gopaalan, Learned counsel for the petitioners and Mr.R.Krishnaswamy, Learned counsel for the Respondents 1 to 8 and 12, 15, 21, 22, 23, 24, 25 to 27. The 9th respondent already set exparte in the suit, hence notice to him in this petition is dispensed with. The Respondents 10, 11, 13, 14, 16 to 20 were exparte in this petition. Upon hearing the arguments made by the learned counsels for the petitioners and the respondents, 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(2) and Section 151 of Civil Procedure Code to implead the respondents 10 to 27 as defendants 10 to 27 in the above suit in OS.No.105 of 2014.

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

The petitioners herein are the plaintiffs in the above-mentioned suit, which has been filed for a declaration and the consequential relief of permanent injunction. Originally, defendants 3 to 8 were impleaded. At that time, the petitioners were not aware of any other parties who had acquired portions of the suit property or the details of such transactions. Subsequently, the suit was dismissed for default but was later restored. It is the case of the petitioners that respondents 10 to 15 had purchased portions of the suit land through sale deeds executed by the 2nd defendant, acting as the agent of the 1st defendant, even prior to the filing of the suit. These respondents

were not impleaded at the time of filing. Further, the 16th respondent purchased property from the 10th respondent. Respondents 17 to 20 also purchased portions of the suit property through sale deeds executed by the 2nd defendant on behalf of the 1st defendant. The 21st respondent purchased Plot No. 122 from the 15th respondent, and the 22nd respondent subsequently purchased the same plot from the 21st respondent. Furthermore, the 15th respondent executed a settlement deed in favor of the 23rd respondent for Plots No. 118 to 121, and the 23rd respondent sold Plot No.121 to the 25th respondent. The 24th respondent purchased a portion of the suit property from the 13th respondent and has also executed a power of attorney in favor of the 25th respondent. The 15th respondent also sold a portion of the land to the 27th respondent. In light of the above, respondents 10 to 25 and 27, being transferees of portions of the suit land, are necessary and proper parties to the suit. Hence, their impleadment is essential for the effective adjudication of the matter. Hence this petition.

3. Brief averments of the counter filed by the 1st respondent and adopted by the 2 to 8 respondents and proposed respondents 12, 15, 23, 25, 26 and 27 are as follows:

The respondents submit that, following considerable delay and default on the part of the plaintiffs, the present suit was dismissed for default and subsequently restored. The current petition filed by the petitioners/plaintiffs appears to be an attempt to unnecessarily prolong the proceedings. The earlier proceedings, involving the vendors of the 1st defendant and the plaintiffs over the same subject matter, were already contested and decided against the plaintiffs. Furthermore, some of the proposed defendants have purchased portions of the suit property from the 1st defendant through his power of attorney agent, the 2nd defendant, and have subsequently transferred those portions to others. The plaintiffs ought to have filed this petition earlier and should have applied for an encumbrance certificate to ascertain the subsequent transactions.

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 is to be allowed or not.

6. **Discussion and Findings** :

6.1. The present petition has been filed by the petitioners/plaintiffs seeking to implead Respondents 10 to 27 as Defendants 10 to 27 in the pending suit. Upon perusal of the records and hearing the submissions made by both sides, this Court finds sufficient grounds to allow the impleadment. It is the case of the petitioners that the 2nd defendant, acting as the power of attorney holder of the 1st defendant, had sold various portions of the suit property to the proposed parties, Respondents 10 to 15. Subsequent to these transactions, further transfers have occurred among the proposed parties, including sales, settlement deeds, and powers of attorney, all of which have been specifically detailed in the petition. The respondents, in their counter, have not denied the transactions or the fact that the proposed parties hold interest in the suit property. Their main objection is limited to the timing of the petition, which they allege is a dilatory tactic adopted by the plaintiffs. However, the mere delay in filing the petition cannot be a ground for rejection if the proposed parties are found to be necessary for the effective adjudication of the suit. This Court notes that the suit is presently at the trial stage. The inclusion of all parties who have acquired interest in the suit property is essential to avoid multiplicity of proceedings and to ensure that the final decision binds all concerned. It is a settled position of law, as reiterated by the Hon'ble Apex Court, that pre-trial amendments and impleadments must be approached liberally, particularly when they aid in the complete and final adjudication of the matter.

6.2. Further, Order I Rule 10(2) of the Code of Civil Procedure empowers the Court to implead any person as a party at any stage of the proceedings, if their presence is necessary for effectively adjudicating upon and settling all questions involved in the suit. In this case, given the admitted transactions involving the suit property, the presence of Respondents 10 to 27 is necessary for a just decision in the matter. Accordingly, this Court is of the view that the impleadment of Respondents 10 to 27 as Defendants 10 to 27 is necessary to enable the plaintiffs to establish their claim and to ensure that all affected parties are before the Court. In the result, this court is inclined to allow this petition.

7. Result :

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

Dictated by me to the stenographer, transcribed and typed by her, corrected and pronounced by me in the open court, on this the 10th day of October 2025.

**DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.7/2024
O.S.No.105/2014
Date:10.10.2025
DMC,PNI.