

**IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI**

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,**

**District Munsif, Tiruttani.**

Dated the Wednesday of 19<sup>th</sup> Day of November 2025

I.A.No.5/2025 in OS.No.3/2021

(CNR.No.TNTR21-000003-2021)

Meena

...

...Petitioner/Proposed 4<sup>th</sup> Defendant

/Versus/

1. Elumalai

... 1<sup>st</sup> Respondent/ Plaintiff

2. P.S.Krishnan

3. The Revenue Divisional Officer, Tiruttani

4. The District Collector, Tiruvallur

... 2 to 4 Respondents/1 to Defendants

This petition came up before me for the final hearing on 07.11.2025 in the presence of M/s. S. Baskaran, B. Priya, S.V. Sandhya, Advocates for Petitioner/Proposed 4<sup>th</sup> Defendant, M/s. C.A. Natarajan, Advocate for 1<sup>st</sup> Respondent/ Plaintiff, M/s. K.G.N. Nagapooshanam, Advocate for 2<sup>nd</sup> Respondent/ 1<sup>st</sup> defendant, R2 endorsed as no counter. 3<sup>rd</sup> and 4<sup>th</sup> Respondents were set exparty in suit. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

**ORDER**

This petition is filed under Order 1 Rule 10 (2) of CPC to implead the proposed party as 4<sup>th</sup> defendants in the suit.

**1. The averments of the petition in brief are as follows:-**

(a) The suit property and other properties stands in the name of Petitioner's father P.S. Krishnan is ancestral in nature and Hindu undivided joint family property. The Petitioner's father P.S. Krishnan is kartha of the family maintained the ancestral property and joint family property. Some of the property were purchased in the name of 2<sup>nd</sup> respondent from the income of ancestral property.

(b) Petitioner and respondents were in joint possession and enjoyment of the schedule mentioned properties. The 2<sup>nd</sup> respondent got a settlement deed fraudulently from 1<sup>st</sup> respondent Elumalai without the petitioner's knowledge. The settlement deed is void and not bind the petitioner. The respondents 1 to 3 are jointly attempting to

grab the petitioner's legitimate share in the suit schedule mentioned property taking advantage of her absence in the property situated village. The petitioner, respondents 1 to 3 were entitled each 1/4th share. The petitioner resume to file separate suit for partition and settlement deed dated 21.10.2019 is null and void.

(c) The petitioner's father 2<sup>nd</sup> respondent P.S. Krishnan had no any individual right to execute any deed in favour of anybody without the knowledge of co-sharer. Since the suit property not yet divided between them. The petitioner is going to file a partition suit against the plaintiff and 1<sup>st</sup> defendant and another co-sharer. The petitioner is the one of the co-owner of the suit property. The suit land is Hindu undivided joint family property and ancestral property. Hence the petitioner is the necessary party to the suit. Hence, this petition is filed.

**2. The counter filed on behalf of the 1<sup>st</sup> Respondent in brief:-**

(a) The petition is not maintainable either in law or on facts of the case. The allegations in para No.2 and 3 of the affidavit is true. The suit property and other properties are self acquired properties of 2<sup>nd</sup> respondent. The petitioner has no locus standi to file this petition to implead her as a party. This suit is filed for injunction against the 2<sup>nd</sup> respondent not to interfere as he himself voluntarily settled the suit properties to 1<sup>st</sup> respondent under registered settlement deed dated 21.10.2019. The 1<sup>st</sup> respondent accepted the said gift and took possession.

(b) Patta, chitta and adangal everything changed in 1<sup>st</sup> respondent name and kist paid. Now under the misguide of the petitioner, the 2<sup>nd</sup> respondent is against 1<sup>st</sup> respondent. He also admitted that the suit properties are self acquired properties of 2<sup>nd</sup> respondent and no one has got any right or share in the suit property or other properties. Hence the suit property or other properties stands in the name of 2<sup>nd</sup> respondent is not joint family or ancestral properties and purely self acquired properties of him.

(c) The allegations in para Nos. 5 to 8 of the affidavit all are fully incorrect. The settlement deed is valid in law and binding on any one. The suit property is self acquired property of 2<sup>nd</sup> respondent Krishnan and he has got every right to do

anything in respect of the properties. The petitioner has no locus standi to file this petition in this suit. There is no bonafide merits in this petition as this suit is for bare injunction against R2 and other parties are only formal. Hence this petition has to be dismissed in limini.

**3 Point for determination:**

Whether the petitioner is entitled to the relief as sought for? or not?

**4. Point:**

According to petitioner, the suit property and other properties stands in the name of Petitioner's father P.S. Krishnan is ancestral in nature and Hindu undivided joint family property. Some of the property were purchased in the name of 2<sup>nd</sup> respondent from the income of ancestral property. Petitioner and respondents were in joint possession and enjoyment of the schedule mentioned properties. The 2<sup>nd</sup> respondent got a settlement deed fraudulently from 1<sup>st</sup> respondent Elumalai without the petitioner's knowledge. The petitioner, respondents 1 to 3 were entitled each 1/4th share. The petitioner's father 2<sup>nd</sup> respondent P.S. Krishnan had no any individual right to execute any deed in favour of anybody without the knowledge of co-sharer. Since the suit property not yet divided between them. The petitioner is the one of the co-owner of the suit property. The suit land is Hindu undivided joint family property and ancestral property. Hence the petitioner is the necessary party to the suit. Therefore, the petitioner prays to allow this petition.

5. The Respondents resisted the petition by contending that the suit property and other properties are self acquired properties of 2<sup>nd</sup> respondent. The petitioner has no locus standi to file this petition to implead her as party. The suit property is self acquired property of 2<sup>nd</sup> respondent Krishnan and he has got every right to do anything in respect of the properties. There is no bonafide merits in this petition. Hence the respondents pray to dismiss this petition.

6. Heard both sides. On perusal of records, the case is pending for Dw3 cross continuation. In this stage petitioner who is the Dw3 filed this petition to implead herself as 4<sup>th</sup> defendant in the suit. The suit was filed for Permanent injunction. Petitioner's contention is that she has 1/4<sup>th</sup> share in the suit property.

Counsel for respondent submitted as the petitioner herself got into the box as Dw3 and already deposed. In her deposition she never stated that she has right in the property or she is a co-owner. The petition averments is totally against her evidence. In Dw3 deposition she never stated as she is co-sharer in the suit property and she has  $\frac{1}{4}$ <sup>th</sup> undivided share in the suit property. On the other hand she deposed as she know about the settlement deed dated 21.10.2019 and the witness signature obtained from Murali.

7. This case is filed by the plaintiff for bare injunction as against the 1<sup>st</sup> defendant and revenue authorities. If the petitioner has any right she has to file separate suit before proper court. Plaintiff has a right to decide against whom he has to contest the case. In a suit for bare injunction the petitioner is not a proper and necessary party. Considering the facts and circumstances of this case, this Court is of view that the petitioner/proposed party is not the proper and necessary party to the suit. Hence, this court is of view that this petition is devoid of merits and is liable to be dismissed.

In the result, this petition is dismissed with cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 19<sup>th</sup> day of November 2025.

District Munsif,  
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,  
Tiruttani.