

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 Tuesday of 26th Day of August 2025

I.A.No.3/2025 in OS.No.10/2022

(CNR.No.TNTR21-000018-2022)

1. Janani

2. Neha.U

... Petitioners/Proposed 3,4 defendants

/Versus/

1. K. Gnanasekar naidu

2. K. Gunsekar Naidu

... 1,2 Respondents/Plaintiffs

3. K. Thulasi Anjaneyalu

4.K. Damayanthi

... 3,4 Respondents/1,2 Defendants

This petition came up before me for final hearing on 18.08.2025 in the presence of M/s. A. Mohan, P. Praveea, Advocates for Petitioners/Proposed 3,4 defendants, M/s. C.A. Natarajan, Advocate for 1,2 Respondents/Plaintiffs. R3 exparty, M/s. R. Sreenivasan, R. Rajeshwara Babu, S. Thulasiammal, S.V. Sandhya, P. Praveena, Advocates for 4th Respondent/2nd Defendant, R4 endorsed as no counter. 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 parties as 3 and 4 defendants in the suit.

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

The suit property originally belonged to Chengamma Naidu which is a admitted fact. The said Chengamma Naidu died intestate leaving behind the Thulasi anjaneyulu, Rushedramani, Damayanthi, Lakshmikanth as legal heirs to succeed his estate. The petitioner is the daughter of Rushedramani, they have inherited $\frac{1}{4}$ of the share of the suit property. The petitioners mother and father also died. The petitioners maternal uncle Thulasianjaneyulu conveyed his share of property to the petitioners mother Runshandramani. Thus the petitioners are entitled to $\frac{1}{2}$ share in the suit property which is the subject matter of Suit in O.S.No.231/2023 pending on the file of Sub Court, Tiruttani.

(b) The petitioners are living at Chennai. The Plaintiffs filed a false suit suppressing the material facts. The petitioners share in the property has not been

divided metes and bounds. Hence the petitioners filed a suit for partition and separate possession in OS.No.212/2023 on the file of Sub Court, Tiruttani. The petitioners have no notice of the pendency of the suit in O.S.No.10/2022 on the file of this court. The petitioners are away from the suit property village. The petitioners have no knowledge about the pendency of the suit. It is necessary to implead the proposed parties as 3,4 defendants in the suit for proper adjudication. Hence, this petition is filed.

2. The counter filed on behalf of the 1, 2 Respondents in brief:-

(a) The petition is not maintainable either in law or on facts of the case. The suit property belonged to Chengama naidu which is admitted fact is false. The Respondents never admitted that it is belonged to Chengama naidu. It is purchased in the name of Chengama naidu out of the joint family income of the plaintiffs and his family. It is not absolute property of him. While Chengama naidu was alive there is a family dispute, the suit properties orally allotted to the plaintiffs family by Chengama naidu. From that onwards the plaintiffs have been in possession of it. No one else has got any manner of right. The suit properties are absolute property of this respondents.

(b) Chengama naidu himself orally allotted the suit property to this respondent's family while he was alive. So the question of share over the suit property do not arise at all. Petitioners not in the possession of the suit properties at any point of time. They are unnecessary parties in this suit. They know very well about the pendency of this suit. There is no bonafide merits in this petition. Hence this petition has to be dismissed in limini.

3 Point for determination:

Whether the petitioners are entitled to the relief as sought for? or not?

4. Point:

According to petitioner, the suit property originally belonged to Chengamma Naidu. The said Chengamma Naidu died intestate leaving behind the Thulasi anjaneyulu, Rushedramani, Damayanthi, Lakshmikanth as legal heirs to succeed his estate. The petitioner is the daughter of Rushedramani, they have inherited $\frac{1}{4}$ of the share of the suit property for themselves and $\frac{1}{2}$ share from their maternal uncle. The

petitioners are living at Chennai. The Plaintiffs filed a false suit suppressing the material facts. The petitioners share in the property has not been divided metes and bounds. The petitioners are away from the suit property village. The petitioners have no knowledge about the pendency of the suit. Hence it is necessary to implead the proposed parties as 3, 4 defendant in the suit. Hence, the petitioners pray to allow this petition.

5. The Respondents resisted the petition by contending that Chengama naidu himself orally allotted the suit property to this respondents family while he was alive. So the question of share over the suit property do not arise at all. Petitioners not in the possession of the suit properties at any point of time. They are unnecessary parties in this suit. 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 Pw2 cross continuation. In this stage petitioner filed this petition to implead the proposed parties as 3,4 defendants in the suit. The suit was filed for Permanent injunction. Petitioner's contention is that they have $\frac{1}{2}$ share in the suit property. Considering the facts and circumstances of this case, this Court is of view that the proposed parties are the proper and necessary parties to the suit and they have to be impleaded for proper adjudication of the case. Hence, in the interest of justice, to prevent multiplicity of proceedings, to provide petitioners an opportunity to prove the case and for proper adjudication of the case this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the Petitioners have to pay a cost of Rs.1000/- to the 1,2 respondents/Plaintiffs on or before 02.09.2025 failing which this petition stands dismissed. Call on 02.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 26th day of August 2025.

District Munsif,
Tiruttani.

Petitioners and Respondents side Exhibits and witness: NIL

District Munsif,
Tiruttani.