I.A.20/25 in O.S.103/2013

18.11.2025

Order pronounced.

This petition is filed under Order I Rule 10(2) of the Code of Civil Procedure by the plaintiffs seeking to implead the 15th respondent as one of the defendants in the suit. According to the plaintiffs, the 15th respondent has allegedly purchased a portion of the suit schedule property under a sale deed dated 2006, which they contend is *non est* in the eye of law. It is therefore argued that his presence is necessary for the effective adjudication of the issues involved in the suit.

The learned counsel for the petitioners submitted that the plaintiffs came to know about the said sale only recently upon obtaining the encumbrance certificate, and that the 2006 sale is a fraudulent and illegal transaction affecting the suit property. It was further contended that unless the 15th respondent is brought on record, the plaintiffs would be unable to secure complete and effective relief in the suit, and any decree passed in his absence would lead to multiplicity of proceedings.

On the other hand, the learned counsel for the respondents argued that the suit itself was instituted in 2013 and the plaintiffs have been in the habit of filing one petition after another solely to delay the trial. It was pointed out that the defendants had clearly referred to the 2006 sale transaction in their written statement, thereby giving the plaintiffs due notice of the purchaser's claim long before the filing of the present petition. The respondents contend that the plea that the plaintiffs became aware of the sale only after perusing the encumbrance certificate is factually incorrect and has been raised merely as an afterthought. They also submitted that the plaintiffs themselves have pleaded in the plaint that the cause of action arose in 2012, and in such a scenario, the present attempt to implead a purchaser from 2006 is wholly unsustainable and deserves to be dismissed.

After perusing the plaint, the written statement and the records, this Court finds that the 15th respondent is stated to have purchased a portion of the suit schedule property in the year 2006. However, the plaintiffs filed the present suit only in 2013 and have thereafter come forward with successive applications at various stages. The materials placed clearly show that the defendants themselves referred to the 2006 sale transaction in their written statement, thereby putting the plaintiffs on notice of the purchaser's claim much earlier.

This Court further notes that the plaintiffs have pleaded in the plaint that the cause of action arose in 2012. Having taken such a categorical stand, the plaintiffs cannot now contend that they became aware of the 2006 sale deed only recently on obtaining the encumbrance certificate. The explanation offered is neither plausible nor acceptable. The petition lacks bona fides and appears to be one more attempt to protract the proceedings.

The impleading of a party under Order I Rule 10(2) CPC is a discretionary relief, to be exercised only when such addition is necessary for effective and complete adjudication. In the present case, there is an inordinate and unexplained delay in seeking impleader, and allowing such a petition at this belated stage would cause serious prejudice to the defendants and derail the progress of the trial. The conduct of the plaintiffs reflects clear indifference, and the maxim vigilantibus non dormientibus jura subveniunt squarely applies—*the law aids the vigilant and not those who sleep over their rights.*

In the above circumstances, this Court is of the view that no grounds are made out to implead the 15th respondent as a party to the suit. Accordingly, **the petition filed under Order I Rule 10(2) CPC is dismissed. Parties shall bear their own costs.**

GURU Digitally signed by GURU Date: 2025.11.18 15:47:50 +0530

A.D.M.

Tenkasi