

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE (FTC),
VELLORE, VELLORE DISTRICT.**

**PRESENT: Thiru.P.V.Sandilyan, M.L.,
Additional District Judge (FTC), Vellore.**

Tuesday, the 21st day of July, 2026

I.A. No.2/2024 in O.S.No.68/2013

1. P.Ambiga
2. P.Abinaya

. . . Petitioners/Proposed Parties

Versus

1. Pudumai (Died)
2. Geetha
3. Lavanya
4. Jeeva
5. Aravinth

. . . Respondents/Plaintiffs

Versus

6. Valliammal (Died)
7. Perumai (Died)
8. Amaithi
9. Anjugam
10. Jayakodi
11. G.Ravichandran
12. A.Bharath
13. Sangunthala

. . . Respondents/Defendants

This petition came up before this court for final hearing on 16.07.2026, in the presence of Tr.K.Mohan, counsel for the petitioners; Tr.K.M.Boopathi, counsel for the 11 to 13 respondents; 2 to 5 and 8 to 10 respondents were called absent set exparte, 6 & 7 respondents died, and upon hearing the arguments of

both sides, upon perusal of case records and having stood over for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed under Order I Rule 10(2) and Section 151 of C.P.C. to implead the petitioners/proposed parties as respondents/defendants 9 and 10 in the main suit.

2. The averments of the affidavit are as follows:-

2.1 The petitioner is the 1st proposed party and she is filing this application on behalf of the 2nd petitioner/2nd proposed party also. The respondents/plaintiffs have filed the above suit for partition to divide the suit properties into 6 equal shares and allot one such share to the respondents/plaintiffs as against the respondents/defendants and now the said case is posted for arguments. The first petitioner's husband name is Perumai who is the second defendant in the main suit and the 2nd proposed party is first petitioners daughter who is born through above said Perumai, till the date of death they are living together, the first petitioner as legal wedded wife and enjoyed the suit properties as jointly along with the 2nd defendant and the said properties are the Hindu joint family properties, and her husband has got share in the said properties, after his death his share devolved into the their share and they are the only legal heirs of the deceased and the respondents/plaintiffs have filed the suit as against the 8th

defendant as the wife of the 1st petitioner's husband and the said 8th defendant is not the legal heir of 1st petitioner's husband and the 1st petitioner's husband had not lived with her as husband and he has not legally married the 8th defendant and the 8th defendant has no right to get share in the suit properties and the petitioners are only legal heirs of the deceased Perumai who is the 2nd defendant, the said facts are very well known to the plaintiffs and they have wantonly, deliberately not impleaded the petitioners as parties in the suit due to defraud the petitioners' rights and to defraud their share in the suit properties and now only the petitioners came to know the said facts and the petitioners are necessary and proper parties in the suit to decide the said case. Hence, the petitioners are filing the present application to implead the petitioners as respondents/defendants 9 and 10 in the said suit as defendants 9 and 10 for proper and complete adjudication. The delay in filing application is neither willful nor wanton. If the petition is not allowed, the petitioner would put to great hardship and loss. It is therefore prayed to pass an order to implead the petitioners as respondents/proposed parties 9 and 10 as defendants 9 and 10 in the main suit.

3. The brief averments of the Counter filed by the 13th Respondent/ 8th Defendant, adopted by Respondents 11 and 12/Defendants 6 and 8 are as follows:-

3.1 This application is not at all sustainable either in law or on facts. That

the suit for partition was filed by the plaintiffs in the year 2013, after 11 years when the matter is posted for arguments the plaintiffs setup the petitioners filed the present petition only with an intention to harass this respondent. That the very suit itself not maintainable and there is no joint family properties and there is no common property and all the properties were already divided through the registered partition deed dated 20.02.2003. Before 21 years in the said partition deed itself, it has been clearly mentioned that there is no common property or joint family properties yet to be divided among the brothers and other family members. The very suit is itself vexatious. Now only to drag on the proceedings, the plaintiffs int he said suit set up the petitioners and filed the present petition.

3.2 That this respondent alone is the legally wedded wife of Perumai. In fact the said Perumai on 13.05.2013 itself executed a registered settlement deed dated 13.05.2013 in favour of this respondent. Before 11 years the deceased husband of this respondent Perumai has executed a registered settlement deed. In fact in the very plaint itself in the cause title also it has been mentioned that Sagunthala is wife of Perumai.

3.3 That the said Perumai married this respondent on 31.01.1997 at Thirupathi Devasthanam as per Hindu Rites and Customs. There is a marriage photo to that effect. After the death of Perumai all the revenue records of the properties were transferred only in the name of this respondent. The patta also

issued in the name of this respondent. The family card, gas consumer card, voter identity card, Aadhaar card, bank pass book and death certificate of Perumai will clearly show that this respondent alone is the wife of deceased Perumai. In fact Tahsildar, Gudiyattam has given the legal heirship certificate dated 09.02.2019 and this respondent has filed W.P. No.14362/2014 as a wife of Perumai.

3.4 That infact the suit was originally filed before District Court at Vellore against the Perumai and others. After the death of Perumai, the plaintiffs in the suit have filed an application to implead legal heirs of Perumai and the Hon'ble Principal District Judge after due enquiry recognized this respondent as a legal heir of deceased Perumai. Since the date of marriage for nearly 17 years they lived as husband and wife. But with some political influence the proposed parties have got some order from RDO which was pending before DRO by way of an appeal.

3.5 That the 1st petitioner is an utter stranger and she was married one Jayashankar of Kathadikuppam and the 2nd petitioner was born only to Jayashankar. If the 2nd petitioner was undergo DNA test, the truth will come out. The above said Perumai never married the 1st petitioner and the 2nd petitioner was not born to the said Perumai. Now only this respondent learns that before two or three years of the death of the said Perumai, the 1st petitioner has got some illegal and illicit relationship with the said Perumai and later on she started to blackmail

the Perumai and after that the said Perumai was disconnected all his relationship with the petitioners. Now the plaintiffs who learn that they will not succeed in the suit only to harass this respondent prepared this petition and filed in the name of the petitioners. Whatever be the facts of the petition and affidavit they are unnecessary parties to the said suit and the petitioners could not work out any remedy. That the petitioner is only a mouth piece of the plaintiffs and the petition filed by the petitioners is devoided to a merit. It is therefore prayed to dismiss the petition with costs.

4. The respondents 2 to 5 who are plaintiffs in the main suit remained exparte. The respondents No. 8 to 10 who are defendants 3, 4 and 5 are also remains exparte. The contesting espondents are 11, 12 and 13 who are defendants 6, 7, and 8.

5. There is no oral and documentary evidence on the side of the petitioner and respondent 11, 12 and 13.

6. Now, the point for consideration in this petition is, ***Whether the petitioners are to be impleaded in the suit as prayed for?***

7. Point:-

7.1 The suit filed by the respondents 2 to 5/plaintiffs for the relief of

partition of suit properties into 6 equal shares and allot one such share to the plaintiffs and for injunction restraining the defendants from alienating the suit properties in favour of the third parties till the partition is effected and separate possession is delivered. The suit instituted by the plaintiff in the year of 2013.

The learned counsel for the petitioners contended that the second defendant Perumai is the husband of first petitioner and father of second petitioner. The first petitioner lived as a legally wedded wife of Perumai, enjoyed the suit properties as jointly along with the second defendant and they are only legal heirs of the deceased second defendant but the respondents 1 to 4 have filed the suit arraying the 13th respondent / 8th defendant as the wife of deceased second defendant.

7.2 Further contended that the second defendant has not legally married the eighth defendant and she has no right in the suit properties, the petitioners are only legal heirs of the deceased Perumai, the plaintiff wantonly deliberately failed to implead the petitioners as parties in the suit due to defraud their rights and shares and prayed to allow the petition.

7.3 The learned respondent counsel appearing for 11th, 12th and 13th respondents vehemently opposed this petition that the 1st petitioner is not the legally wedded wife of Perumai, she was married one Jayashankar of

Kathadikuppam and the second petitioner was born to Jayashankar, if DNA test was conducted the truth will emerge. Further argued that prior to the death of said Perumai the first petitioner developed illegal illicit intimacy and started to blackmail the Perumai, he unable to bear the blackmail of the first petitioner withdrew the relationship with the petitioner. The petitioner with political influence got some favorable orders from the RDO and it was under appeal preferred by the eighth defendant who is the legally wedded wife of Perumai.

7.4 The learned counsel strongly opposed for the impleading petition that the first wife is not legally wedded wife of deceased Perumai, however at the end of his argument without prejudice to their claim, to allow the petition in view of the conduct of the plaintiffs to avoid delay in disposal of the suit.

7.5 The learned counsel argued that the plaintiff setup the petitioners to file this impleading petition with a sole intention to harass the eighth defendant and to delay the disposal of the suit. In order to avoid further delay the eighth defendant contended that to allow the petition.

7.6 On perusal of counter filed by the 13th respondent in para 3, the specific averments stated that the plaintiffs at the stage of final argument setup the petitioners to file the impleading petition to harass the 13th respondent. On perusal of records the suit is for partition, filed in the year of 2013, which lapsed 13

years. The impleading petition filed by the proposed parties in the year of 2024 and numbered as I.A.No.2/2024. Admittedly the respondents 2 to 5, the plaintiffs for the reason best known to them being a dominus litus remained exparte.

7.8 In a suit for partition the court has to decide already partition effected, if not the parties are entitled for any legal share in the property and they derive any right to obtain a share in the properties and if any share then their apportionment of share to be decided. The plaintiff and defendants 1 to 5 and 8 are family members, after the death of second defendant Perumai they impleaded eighth defendant as the wife of second defendant Perumai. In such circumstances they have not impleaded the proposed parties as the legal heir of second defendant Perumai. In this partition suit this court is not going to decide the legal status of the parties.

7.9 The learned counsel for the 8th defendant / 13th respondent argued that the very suit itself not maintainable, there is no joint family properties and no common properties as alleged by the plaintiffs and all properties were already divided through a registered partition deed dated 20.02.2003 before 21 years itself. The plaintiffs setup the petitioners only to drag on the proceedings and stated to allow the petition without prejudice to the 8th defendant. Therefore in a partition suit whether partition had effected and partition to be effected are all the

issues to be decided and the suit is of the year of 13 years to avoid further delay this petition is allowed.

In the result, this petition is allowed thereby ordering to implead the proposed parties as defendants in the above suit without any further delay on the side of plaintiffs. The suit is of the year of 2013, hence the respondents 2 to 4 / plaintiffs are directed to take steps without dragging the suit further. No costs.

Dictated to the Steno-Typist, directly typed by her, corrected and pronounced by me in the Open Court, on this the 21st day of July, 2026.

**Additional District Judge (FTC)
Vellore.**

Both side Witnesses and Exhibits:-

- NIL -

**Additional District Judge (FTC)
Vellore.**