

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

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,  
Additional District Judge(FTC),Vellore.

Dated this the 14<sup>th</sup> day of August 2023, Monday

I.A.NO.3/2022 in  
O.S.NO.170/2021

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V.Thulasinathan

..Petitioner/2nd defendant

//Vs//

1. V.Umarani

2. V.Sujatha

3. V.Kavitha

4. Thanjiammal

..Respondents/Plaintiffs, D1

5. C.Shobha

..Respondent/Proposed party

This petition is coming before me on 10.08.2023 for final hearing in the presence of Thiru.B.Palanisamy and Thiru.J.Harish Kumar, Counsels for the petitioner and of Thiru.K.M.Boopathi, Counsel for the respondents No.1 to 3 and 5 and of Thiru.K.S.Perumal, counsel for the 4<sup>th</sup> respondent and upon hearing the arguments of both sides and upon perusing the entire case records and having stood over for consideration, till this date this court delivered the following:-

**ORDER**

Petition filed by the petitioner under Or.1 Rule 10(2) and Sec.151 of CPC, prays to implead the Proposed party as 3<sup>rd</sup> defendant in the main suit.

**2.Brief averments of the affidavit is as follows:-**

The petitioner herein is the 2<sup>nd</sup> defendant in the main suit. The respondents/Plaintiffs 1 to 3 have filed the main suit as against the petitioner

and the 1<sup>st</sup> defendant for partition of the suit property and the same is pending before this court for disposal. The petitioner has appeared before this court through his counsel and he is contesting the above said suit on merits. Whiles, during the pendency of the above suit, the petitioner has filed the petition to amend the plaint by including the petition mentioned properties as items 23 to 32 in this suit in I.A.No.1/2022 and the same is posted for counter on 03.06.2022.

While so, the 3<sup>rd</sup> respondent/3<sup>rd</sup> Plaintiff namely V.Kavitha, W/o.Gunasekaran had sold the property under the registered sale deed dated 22.04.2022 to one C.Shobha, W/o.M.Sakthivel, D/o.Chockkalingam of Sathumadurai Village without the consent and knowledge of the petitioner and also the 1<sup>st</sup> defendant. The 3<sup>rd</sup> respondent/Plaintiff knowing fully well about the dispute pending before the competent Civil Court of in respect of the Plaint schedule mentioned properties about the petition I.A.No.1/2022 filed by the petitioner to include the properties detailed in the petition as items 23 to 32 in the plaint schedule filed by the respondent/Plaintiffs, the 3<sup>rd</sup> respondent wantonly and willfully sold the property to the above said C.Shobha. The same reveals that the respondents/plaintiffs are not the law abiding citizens. Now it is just and necessary the further purchaser namely C.Shobha has to be impleaded in this suit as the 3<sup>rd</sup> defendant for the proper adjudication of the case. Hence, the petitioner filed this petition and prays to allow the petition.

**3. Brief averments of the counter filed by the 2<sup>nd</sup> respondent and adopted by the Respondents No.1, 3 to 5 is as follows:-**

This petition is not maintainable either in law or on facts. All the affidavit averments are denied except those that are admitted by the respondent herein. The property sold to the proposed party is the self acquired property of V.Kavitha. The said Kavitha got married in the year 08.11.2002 itself. The husband of Kavitha namely Gunasekaran is an Engineer, he was doing business in building constructions. The said property is not at all a devisable property. Therefore the proposed party is an unnecessary party to the suit. Either the defendants or other Plaintiffs have no right in the property. Only to drag on the proceedings, the petitioner filed this petition and prays to dismiss the petition.

4. The point for consideration in this petition is;

Whether the petition is to be allowed or not?

**5. Point:**

The petitioner stated that during the pendency of the above suit, the petitioner has filed the petition to amend the plaint by including the petition mentioned properties as items 23 to 32 in this suit in I.A.No.1/2022 and the same is posted for counter on 03.06.2022. While so, the 3<sup>rd</sup> respondent/3<sup>rd</sup> Plaintiff namely V.Kavitha, W/o.Gunasekaran had sold the property under the registered sale deed dated 22.04.2022 to one C.Shobha, W/o.M.Sakthivel, D/o.Chockkalingam of Sathumadurai Village without the consent and knowledge of the petitioner and also the 1<sup>st</sup> defendant. The 3<sup>rd</sup>

respondent/Plaintiff knowing fully well about the dispute pending before the competent Civil Court of in respect of the Plaint schedule mentioned properties about the petition I.A.No.1/2022 filed by the petitioner to include the properties detailed in the petition as items 23 to 32 in the plaint schedule filed by the respondent/Plaintiffs, the 3<sup>rd</sup> respondent wantonly and willfully sold the property to the above said C.Shobha. and the said purchaser Shoba has to be impleaded in the above suit.

But the respondents denied the allegations and stated that the property sold to the proposed party is the self acquired property of V.Kavitha. The said Kavitha got married in the year 08.11.2002 itself. The husband of Kavitha namely Gunasekaran is an Engineer, he was doing business in building constructions. The said property is not at all a devisable property. Therefore the proposed party is an unnecessary party to the suit.

Even though the respondents stated that the property sold the proposed party is the self acquired property of the 3<sup>rd</sup> respondent herein but not specifically denied that the property sold to the proposed party is not included in the above suit. On perusal of the copy of the sale deed enclosed along with the petition it is seen that the property sold to the proposed party is included as item No.23 of the suit property. Further the respondents have not denied about the sale deed executed by the 3<sup>rd</sup> respondent herein in favour of the proposed party and the said property is the subject matter in the above suit. Hence in the interest of justice and in order to avoid

multiplicity of proceedings, the present petition has to be allowed, since the property purchased by the proposed party is already included in the present suit as per the order passed in I.A.No.1/2022, dated 26.09.2022.

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

Dictated to steno typist directly, typed by her, corrected and pronounced by me in open court, this the 14<sup>th</sup> day of August 2023.

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

**Both side witnesses and Exhibits:**

NIL.

**ADJ(FTC),  
Vellore.**

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

PRESENT: Tmt.P.REVATHY, M.A.,M.L.,  
Additional District Judge(FTC),Vellore.

Dated this the 14<sup>th</sup> day of August 2023, Monday

I.A.NO.3/2022 in  
O.S.NO.170/2021

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V.Thulasinathan, aged 45 years, S/o.Late.Venkatesan, residing at No.10,  
Pillaiyar Koil Street, Sathumadurai Village, Vellore Taluk and District.  
..Petitioner/2nd defendant

//Vs//

1. V.Umarani, aged 44 years, W/o.Rajkumar, residing at Old No.24,  
New No.31, Palace Guttahali, 8<sup>th</sup> Main Road, Bangalore.
2. V.Sujatha, aged 41 years, W/o.Sivakumar, residing at No.4,  
Gandhi Nagar, Katpadi, Vellore – 632 006, Katpadi Taluk,  
Vellore District.
3. V.Kavitha, aged 40 years, W/o.Gunasekaran, residing at No.69B,  
Indra Nagar, Otteri, Bagayam, Vellore Taluk and District-632 002.
4. Thanjiammal, aged 68 years, W/o.Lt.Venkatesan, residing at No.10,  
Pillaiyar Koil Street, Sathumadurai Village, Vellore Taluk and District.  
..Respondents/Plaintiffs, D1
5. C.Shobha, aged 44 years, W/o.Sakthivel, D/o.Chokkalingam, residing at  
No.13, Pillaiyar Koil Street, Sathumadurai Village and Post, Vellore Taluk  
and District.  
...Respondent/Proposed party

Petition filed by the petitioner under Or.1 Rule 10(2) and Sec.151 of  
CPC, prays to implead the Proposed party as 3<sup>rd</sup> defendant in the main suit.

This petition is coming before me on 10.08.2023 for final hearing in  
the presence of Thiru.B.Palanisamy and Thiru.J.Harish Kumar, Counsels for  
the petitioner and of Thiru.K.M.Boopathi, Counsel for the respondents No.1  
to 3 and 5 and of Thiru.K.S.Perumal, counsel for the 4<sup>th</sup> respondent and  
upon hearing the arguments of both sides and upon perusing the entire

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case records and having stood over for consideration, till this date this court doth order and decreetal order as follows:-

**DECREETAL ORDER**

1. That the petition be and the same is hereby allowed;
2. That there is no cost.

Given under my hand and the seal of this court, on this the 14<sup>th</sup> day of August 2023.

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