

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 14th day of August 2023, Monday

I.A.NO.4/2022 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

6. Gunasekaran

..Respondents/Proposed parties

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 Proposed parties No.5 and 6 and of Thiru.K.S.Perumal, counsel for the 4th 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 4th defendant in the main suit.

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

The petitioner herein is the 2nd defendant in the main suit. The respondents/Plaintiffs 1 to 3 have filed the main suit as against the petitioner and the 1st 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 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 pending for disposal.

The respondents/Plaintiffs 1 to 3 have filed the counter in I.A.No.1/2022. In the said counter they have stated that the petitioner has not impleaded one Gunasekaran, Husband of the 3rd Plaintiff namely Kavitha. Now it is just and necessary the said Gunasekaran has to be impleaded in this suit as the 4th defendant. Hence, the petitioner filed this petition and prays to allow the petition.

3. Brief averments of the counter filed by the 2nd 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 proposed party is the none other than the husband of 3rd petitioner Kavitha. The proposed party is no way connected to the suit. The proposed party is a Civil Engineer and doing business in building

construction. The petitioner has borrowed money from the proposed party and when it was demanded by the proposed party he unnecessarily filed this application only to threatening him. The suit was filed by the sisters of the petitioner for partition. Only to drag on the proceedings, the petitioner filed this petition and prays to dismiss the petition.

4. Brief averments of the counter filed by the 6th respondent 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. All the allegations made in the affidavit is totally false. This respondent is an unnecessary party to the proceedings. It is a suit for partition filed by the daughters of Late.Venkatesan against their brother and mother. This respondent is a son-in-law of deceased Venkatesan and he is an unnecessary party to the suit. Hence the respondent prays to dismiss the petition.

5. The point for consideration in this petition is;

Whether the petition is to be allowed or not?

6. Point:

The petitioner has 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 pending for disposal.

The respondents/Plaintiffs 1 to 3 have filed the counter in I.A.No.1/2022. In the said counter they have stated that the petitioner has not impleaded one Gunasekaran, Husband of the 3rd Plaintiff namely Kavitha. Now it is just and necessary the said Gunasekaran has to be impleaded in this suit as the 4th defendant.

But the respondents denied the allegations and stated that the proposed party is the none other than the husband of 3rd petitioner Kavitha. The proposed party is no way connected to the suit. The proposed party is a Civil Engineer and doing business in building construction. The petitioner has borrowed money from the proposed party and when it was demanded by the proposed party he unnecessarily filed this application only to threatening him. The suit was filed by the sisters of the petitioner for partition. Only to drag on the proceedings, the petitioner filed this petition. The 6th respondent stated that he is an unnecessary party to the proceedings. It is a suit for partition filed by the daughters of Late.Venkatesan against their brother and mother. This respondent is a son-in-law of deceased Venkatesan and he is an unnecessary party to the suit.

Even though the respondents have stated that the proposed 6th respondent is unnecessary party to the suit but not specifically denied that the proposed 6th respondent as purchased some of the properties included in the suit as per order in I.A.No.1/2022 and I.A.No.2/2022. Further the petitioner stated that in the counter filed in I.A.No.1/2022, they have stated

that the petitioner has not impleaded the proposed party herein and hence the present petition has been impleaded for proper adjudication of the suit. For the above said allegation the respondents have not made any specific objections. In the suit, the subsequent purchasers were impleaded in the suit even though the suit is filed for partition of the suit properties. For proper adjudication and for partitioning the suit properties, as per the possession the subsequent purchasers have to be impleaded. No prejudice will be caused to the respondents if the present petition is allowed. Hence from the above discussions, this court decides that for proper and complete adjudication and for effecting the proper partition the proposed party is the necessary party and he has to be impleaded in the above suit.

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 14th 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 14th day of August 2023, Monday

I.A.NO.4/2022 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 and Post, 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, 8th 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 39 years, W/o.Gunasekaran, residing at No.69B,
Indra Nagar, Otteri, Bagayam, Vellore Taluk and District-632 002.
4. Thanjiammal, aged 70 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.
6. Gunasekaran, aged 46 years, S/o.Govindaraj, residing at No.69B,
Indra Nagar, Otteri, Bagayam, Vellore Taluk and District-2.
...Respondents/Proposed parties

Petition filed by the petitioner under Or.1 Rule 10(2) and Sec.151 of
CPC, prays to implead the Proposed party as 4th 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 Proposed parties No.5 and 6 and of Thiru.K.S.Perumal, counsel for

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the 4th 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 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 14th day of August 2023.

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