

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE, VELLORE DISTRICT.**

PRESENT: Tmt.G.Santhi, B.A., M.L.,
I Additional District and Sessions Judge,
Vellore.

Friday, the 24th day of April, 2026

I.A. No.4/2025 in O.S. No.141/2019

U. Yamini . . . Petitioner/proposed 7th Defendant
/Vs/

1. G. Manoharan ... 1st Respondent/Plaintiff

2. Sarabhegam

3. A.G. Rajendran (died)

4. The Manager,
United India Insurance Co., Ltd.,

5. Gajalakshmi

6. Jayakarhikeyan

7. Hariharan ... Respondents 2 to 7/Defendants 2 to 6

This petition came up before me for final hearing on this day in the presence of Thiru.S. Senthil Rajan, Counsel for the Petitioner, Thiru. T. Rajkumar Counsel for R1, Thiru. R. Santhanam, Counsel for R2, R3 died, Thiru. L. Pandurangan, Counsel for R4 and Thiru. R. Nithiyanandam, Counsel for R5 to R7 and the respondents 2, 4 to 7 are called absent, set exparte and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition filed under Order 1 Rule 10 and Section 151 of CPC to implead the petitioner and her sister, U.Shalini as the 7th and 8th Defendant respectively in the above suit.

2. The brief averments in the affidavit by the petitioner/plaintiff are read as follows:

1. The Petitioner is the proposed 7th Defendant in the above suit.
2. It is submitted that the Respondent/Plaintiff has filed the above suit seeking recovery of a sum of Rs.11,50,000/- towards damages caused to the suit “A” and “B” schedule properties and for permanent injunction. The averments in the plaint may be read as part and parcel of this petition.
3. It is submitted that, as per the Partition Deed dated 01.12.1976, registered as Document No.2740/1976 on the file of the Sub Registrar Office, Vellore, the property bearing Door No.1A (Ground Floor – Southern side) and Door No.1B (First Floor) was allotted to the share of the Petitioner’s father, Late G. Udayakumar. A copy of the said partition deed is filed herewith.
4. It is submitted that the Respondent/Plaintiff is the junior paternal uncle of the Petitioner. The Respondent/Plaintiff has suppressed the existence of the said partition deed dated 01.12.1976 and filed the present suit. Though the Respondent/Plaintiff has referred to the ownership of Door Nos.1A and 1B and the fact that the same belongs to the Petitioner’s father, for reasons best known to him, he has not impleaded the Petitioner’s father as a party to the suit. The Petitioner’s father was alive at the time of filing of the suit.
5. It is submitted that the Petitioner’s father, G. Udayakumar, executed a Will dated 27.09.2010, registered as Document No.58/2010 on the file of the Sub

Registrar Office, Kanniyambadi, whereby he bequeathed Door No.1B (First Floor) of the suit “A” schedule property in favour of the Petitioner and Door No.1A (Ground Floor – Southern side) in favour of the Petitioner’s sister, U. Shalini. The Petitioner’s father passed away on 08.05.2021 and upon his demise, the said Will came into force. Copies of the Will and death certificate are filed herewith.

6. It is submitted that the suit “A” schedule property is a multi-storied building and the Petitioner and his sister, U. Shalini, are the co-owners of the same. Therefore, for effective and complete adjudication of the issues involved in the suit, their presence is necessary. Otherwise, the Petitioner will be seriously prejudiced. On the other hand, no prejudice will be caused to the Respondent/Plaintiff by their impleadment.
7. It is submitted that the Respondent/Plaintiff cannot claim exclusive ownership over the entire suit “A” schedule property. Since the suit relates to property in which the Petitioner also has a rightful interest, the Petitioner is a necessary and proper party to the proceedings. Likewise, the Petitioner’s sister, U. Shalini, is also a necessary party. In the above circumstances, this petitioner prays to direct the Respondent/Plaintiff to implead the Petitioner and his sister, U. Shalini, as Defendants 7 and 8 respectively in the above suit, and thus render justice.

3. The brief averments of the counter filed by the respondent/plaintiff are read as follows:

1. The Respondent submits that the petition is not maintainable as the Petitioner/Proposed 7th Defendant has failed to include her sister, who is sought to be impleaded as the Proposed 8th Defendant, in the short cause title as well as in the long cause title. On this ground alone, the petition is liable to be dismissed in limine.
2. The Respondent submits that the entire allegations made in the affidavit filed in support of the petition are false and are hereby denied, except those that are specifically admitted herein.
3. The Respondent submits that the averments made in Paragraph No.2 of the petition are true and correct to the extent that the Respondent has filed the suit seeking a sum of Rs.11,50,000/- towards damages caused to the suit “A” and “B” schedule properties and for permanent injunction.
4. The Respondent submits that the allegations made in Paragraph No.3 are false and frivolous, except those specifically admitted herein. The Respondent submits that the deceased G. Udayakumar owned Door No.1A (Ground Floor – Southern side) and Door No.1B (First Floor). However, the 2nd and 3rd floors belong to the Respondent. Hence, the Respondent has rightly filed the suit against the defendants. The Petitioner/Proposed 7th Defendant has now filed the present petition to implead herself and her sister

as parties. However, the name of her sister has not been properly included in the cause title. Therefore, the petition is liable to be dismissed with costs.

5. The Respondent submits that the allegations made in Paragraph Nos.4 and 5 are unnecessary and irrelevant to the present suit. The Petitioner has not clearly stated the reasons or grounds as to why she seeks impleadment. Hence, the petition is liable to be dismissed with costs.
6. The Respondent submits that the allegations made in Paragraph No.6 are false and denied. The Respondent further submits that the suit was filed in the year 2019, and after a lapse of nearly six years, the Petitioner has filed the present petition without assigning any valid reason for such delay. Hence, the petition is liable to be dismissed with costs.
7. The Respondent submits that, as per law, the Petitioner/Proposed 7th Defendant cannot be added as a party to the suit. If the Petitioner has any independent claim for damages or other reliefs, she must file a separate suit. Hence, the present petition is liable to be dismissed with costs.
8. The Respondent submits that the allegations made in Paragraph No.7 are false and denied. The Respondent submits that on 29.04.2019 at about 11.15 p.m., a fire accident occurred in the shop belonging to the 1st Defendant, due to which the "A" schedule property was severely damaged. Smoke spread throughout the building, and cracks developed in the ceiling and pillars, causing structural damage. Hence, the Respondent has filed the present suit

for damages and permanent injunction. The said suit is independent in nature, and the Petitioner is not a necessary party. Therefore, the petition is liable to be dismissed with costs.

9. The Respondent submits that the “B” schedule property was also damaged, including the front elevation and name board. Hence, the Respondent has filed the suit. The present petition has been filed without any valid reason and only to delay the proceedings. Therefore, the Petitioner has no right to file this petition, and the same is liable to be dismissed with costs.

10. The Respondent submits that the petition filed by the Petitioner is improper, devoid of merits, and liable to be dismissed with costs.

11. The Respondent submits that the petition does not serve the ends of justice and that the Petitioner/Proposed 7th Defendant and her sister are neither necessary nor proper parties to the suit. Hence, the petition is liable to be dismissed with costs.

4. Heard. Records perused.

5. The point for consideration is, whether the petition is to be allowed or not?

POINT:

6. Upon considering the averments made in the petition and the counter, this Court finds that the petitioner seeks impleadment as Proposed 7th Defendant claiming co-ownership over the suit “A” schedule property based on a Will executed by her father. The respondent has opposed the same on the grounds of

maintainability, delay, and that the petitioner is neither a necessary nor a proper party.

7. It is seen that the suit has been filed for recovery of damages and for permanent injunction in respect of the “A” and “B” schedule properties. The petitioner claims right, title, and interest over a portion of the suit “A” schedule property and states that she is a co-owner along with her sister.

8. Whether the petitioner has valid title over the property by virtue of the Will, and the extent of her rights, are matters which require adjudication on evidence during trial. The presence of the petitioner would enable the Court to effectively and completely adjudicate upon all the issues involved in the suit, particularly in respect of the nature of the property and the rights of the parties.

9. This Court is of the view that in order to avoid multiplicity of proceedings and to ensure complete and effective adjudication of the dispute, the petitioner is a proper and necessary party to the suit. The objections raised by the respondent regarding delay and defects in cause title are not sufficient to reject the petition, as such defects are curable in nature.

10. Accordingly, this Court holds that the petitioner is a necessary and proper party to the proceedings, and the petition for impleadment deserves to be allowed.

As a result, this petition is allowed. No costs.

Dictated by me to the Steno-Typist, typed by her in computer, corrected and

pronounced by me in the Open Court, this the 24th day of April 2026.

I Additional District and Sessions Judge,
Vellore.

DRAFT/FAIR IA ORDER

IA.No.4/2025 in
OS.No.141/2019
D.O.D.24.04.2026
IADJ Court, Vellore.