

In the Court of the Principal District Judge, Villupuram

Present : Selvi. R. Poornima, B.Com., L.L.M.,
Principal District Judge, Villupuram.

Tuesday, the 8th day of November 2022

I.A. No. 67/2021

in

O.S. No. 182/2018

- 1) A. Ramachandran
- 2) A. Soubramanien
- 3) A. Balaradjou ... Petitioners/Plaintiffs

/vs/

- 1) G. Raja @ Subramanien
- 2) Arun Kumar @ Arunachalam
- 3) Ramesh ... Respondents/Defendants

- 4) Chandra
- 5) Athma
- 6) Jayalakshmi
- 7) Dhanalakshmi
- 8) Aparna
- 9) Chandravathi
- 10) Mahendrakumar
- 11) Meena Kumari
- 12) Sudhakar ... Proposed Respondents/
Proposed Defendants 4 to 12

This petition coming on 27.10.2022 before me for final hearing in the presence of Tr.R.Thirumavalavan, Advocate for the petitioners and Tr.T.S.Subramanian, Advocate for the respondents 2, 6 to 8 and the respondents 1, 3 to 5, 9 to 12 were called absent and set ex parte and on hearing both side arguments and on perusing the records and having stood over for consideration till this day, this court passed the following

ORDER

This petition is filed under Order 1 Rule 10(2) r/w Sec.151 of C.P.C with prayer to permit the petitioners/plaintiffs to implead the necessary parties/Co-sharers/tenant as 4th defendant to 12th defendant in O.S.No.182/2018 in order to effectually and completely adjudicate upon and settle all the questions involved in the suit with respect to suit schedule mentioned property.

2. The brief averment contained in the Petition are as follows :-

The petitioner is the 3rd plaintiff and conversant with the facts and circumstances of the case and competent to swear this affidavit. This affidavit is sworn on behalf of himself and on behalf of his brothers 1st and 2nd plaintiffs. The suit has been filed for the declaration of the lease deed dated 24.05.2005 executed by one L.Sreenivasan and the 1st defendant in favour of the 3rd defendant is null and void and for preliminary decree for partition for the entire suit schedule mentioned properties and allot 1/6th

share to the petitioners/plaintiffs jointly. The averment contained in the plaint may be treated as part and parcel of this affidavit. He has filed his chief examination and the suit is posted before Lok Adalat for compromise and as no compromise arrived between the parties the suit is now posted for trial. During the filing of the suit as the whereabouts and existence of some necessary parties to the suit was not known to the petitioner they were not added as parties. The 2nd defendant in his written statement had alleged that necessary parties to the suit had not been added and about the existence of the said persons and their details had come to know only later on. To prove the case he is advised to implead the necessary parties to the suit namely, 1. Mrs.Chandra, 2. Mrs.Athma, 3. Mrs.Jayalakshmi, 4. Mrs.Dhanalakshmi 5. Mrs.Aparna 6. Mrs.Chandravathi, 7. Mr.Mahendrakumar, 8. Mrs.Meena Kumari, 9. Mr.Sudhakar. Since they are necessary parties for deciding the issue involved in the suit. The necessary parties are also co-sharers and their right, title and interest is involved in the subject matter, it is just and necessary to permit the petitioner to implead the above said persons as defendants 4 to 12 in the suit. If the Hon'ble Court is not pleased to pass an order permitting him to implead the proposed parties he will be put into irreparable loss and hardship. Hence this petition.

3. Point for consideration :-

Whether the petition is to be allowed or not?

4. Answering for the Point :-

Heard. Record perused. In this case the respondents 2, 6 to 8 endorsed as no counter and respondents 1, 3 to 5, 9 to 12 had been called absent and set exparte. On perusal of the petition it shows that the plaintiffs want to implead the Co-sharers 4 to 12 as defendants 4 to 12 in order to effectually and completely adjudicate upon and to settle all the questions involved in the suit. Order 1 Rule 10(2) of C.P.C empower the court to add parties if necessary. In this case the respondents 2, 6 to 8 do not have any objection in allowing the petition, other respondents not filed any counter by setting out their objection, since the parties seems to be necessary parties this court is inclined to allow the petition.

In the result this petition is allowed.

Order dictated by me to the stenographer, transcribed and typed by him, corrected and pronounced by me, in the open court, on this the 8th day of November 2022.

Sd/- R. Poornima
**Principal District Judge,
Villupuram.**

Draft/Fair Order :
I.A.No.67/2021 in
O.S.No.182/2018
Date : 08.11.2022.