

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
VIRUDHUNAGAR**

Present : Thiru. **T.V.Hemanandakumar, B.A.,L.L.M.,**
Additional District Judge, Virudhunagar

Monday, the 24th day of February, 2025

**IA No.04/2024 in
OS.No.02/2020**

V.Balaji
Sri Jeyavilas Agencies
its owner.

... Petitioner/Plaintiff
Vs

1. M.Hemalatha
2. R.J.Maheshbabu
3. S.Baskar.
4. B.Sathya
5. K.Viswanath
6. B.Ananthakumar.
7. N.Sathish
8. S.Nagarohini.
9. M.Surendiran

... Respondents 1 to 9 /Defendants 1 to 9

10. S.P.Logan Karthick.
11. P.Vicknesh

... Respondents 10 & 11/
Proposed Defendants 10 & 11

This petition came up on 17.02.2025 for final hearing before me, in the presence of Thiru.I.Ramamoorthy, learned advocate for the petitioner/Plaintiff and Thiru.J.Raguraman, learned advocate for 1st respondent/1st defendant and 2nd to 9th respondents/2nd to 9th defendants and 10th respondent/proposed 10th defendant remained ex parte and Thiru.T.Murugan, learned advocate for 11th respondent/proposed 11th defendant and upon considering all material records in this case and having stood over till this day for consideration, this court doth deliver the following

ORDER

This petition is filed by the petitioner/plaintiff under Order 1 Rule 10(2) CPC to implead the 10th and 11th respondents as defendants 10 and 11 in the suit.

2) It is alleged in the affidavit that the petitioner is the plaintiff in this case. The petitioner filed the suit for specific performance of an agreement for sale. The 1st defendant agreed to sell the suit property to the plaintiff and executed an agreement on 01.02.2007. Since the 1st respondent did not execute the sale deed, on 15.12.2018 the petitioner/plaintiff issued a notice to the 1st respondent. On receipt of the notice, the 1st respondent sent a reply notice with false contention on 19.12.2018. The 1st defendant/1st respondent filed written statement before this court on 21.01.2021. In the written statement, it is stated that he sold the property to 10th and 11th respondents. This court already framed an issue as to whether the suit is bad for non joinder of necessary parties. Already this petitioner filed IA.No.103/2022 to implead respondents 2 to 9 in this case and it was allowed. At that time the petitioner could not get the document in favour of 10th respondent and hence now this petition is filed to implead respondents 10 and 11 as defendants 10 and 11.

3) The 1st respondent/1st defendant filed counter denying the execution of agreement for sale. But, in the counter, the 1st respondent has admitted that on 27.08.2015 she sold the property to 10th respondent through his power of attorney 11th respondent.

4) The 11th respondent also filed counter stating that the 10th respondent has purchased the property from 1st respondent and since he was out of station, he purchased the property through his power of attorney .

5) There is no oral or documentary evidence on both sides.

6) The point for consideration is whether this petition deserves to be allowed?

7) Heard and documents perused.

8) Point:

This suit is filed by the petitioner/plaintiff for specific performance of agreement for sale dated 01.02.2007. This suit was filed in the year 2019. Now it is the averment in the petition that before filing the suit on 27.08.2015 the 1st

respondent sold the property to the 10th respondent and on the same day, the 10th respondent executed a mortgage deed in favour of the 11th defendant and so for a binding decree, they have to be impleaded. In the counter filed by the 1st and 11th respondents, it is admitted that on 27.08.2015 the 10th respondent purchased the property. It is seen from the contentions and allegations that before filing the suit, the suit property has been conveyed in favour of 10th respondent and so for a binding decision, the 10th and 11th respondents are necessary parties to this case.

9) In the result, this petition is allowed. No order as to cost.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in open court, on this the 24th day of February, 2025.

(Sd.) T.V.Hemanandakumar,
Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioner:

Nil.

Witness and Exhibits on the side of the Respondents:

Nil.

(Sd.) T.V.Hemanandakumar,
Additional District Judge,
Virudhunagar.