

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

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

Thursday, the 05th day of December, 2024

IA No.01/2023 in OS.No.157/2021

1) Dhamodarakannan - Petitioner/Plaintiff

Vs

1) Ramanujam Naicker

2) Andalammal

3) Loganayagi - Respondents 1 to 3 /Defendants 1 to 3

4) Avudaiammal

5) Pandeewari

6) S.Gurusamy

7) Gengadevi

8) Sankarkumar

9) Sankar - Respondents 4 to 9/
Proposed defendants 4 to 9

This petition came up on 03.12.2024 for final hearing before me, in the presence of Thiru.D.Ramasubramanian, learned advocate for the petitioners and Thiru.K.V.Raveendran, learned advocate for the 4th respondent and Thiru.M.Kannayiram, learned advocate for the respondents 5 to 9, respondents 1 to 3 remained exparte 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) C.P.C to implead the respondents 4 to 9 as defendants 4 to 9 in the suit.

2) It is alleged in the affidavit that the petitioner is the plaintiff filed the suit for partition. The 1st defendant is the father of this petitioner. During the pendency of the suit on 15.09.2022, the 1st defendant sold 1 Acre out of 4 Acre 18.5 cent to the 4th

respondent Avudaiammal. On 17.10.2022, she executed the settlement deed with respect to 1 Acre in favour of 3rd defendant. From 12.09.2023, the defendant sold the suit properties in favour of respondents 5 to 9 on various dates. So for a binding decree the respondents 5 to 9 have to be impleaded in the suit.

3) 4th respondent filed the counter with following contentions:-

It is true that on 15.09.2022, this respondent purchased 1 Acre out of 4 Acre 18.5 cent from the 1st defendant. The 4th respondent is a bonafide purchaser and hence not necessary parties in this case.

4) The respondents 5 to 9 filed the counter with following contentions:-

The alleged purchase by this respondents from the 1st defendant is admitted. This respondents purchased the property lis-pendence. The property purchased by this respondents are the properties of 1st respondent and the petitioner can not claim any right over the property. Hence this respondents are not necessary parties.

- 5) No evidence adduced and documents produced on both sides.
- 6) Both sides heard. Documents perused.
- 7) The point for consideration, Whether the petition has to be allowed?
- 8) Point:

This petition is filed by the petitioner/plaintiff, for impleading respondents 4 to 9 as defendants in the suit. The suit was filed for partition against defendants 1 to 3. Admittedly, during the pendency of the suit the respondents 4 to 9 purchased portions of property from the 1st defendant. It is the contention on the side of respondent that since they are pendente lite purchasers and bonafide purchasers, they are not necessary parties in this case.

9) Admittedly, the respondents 4 to 9 purchased the property from the 1st defendant. So if the suit by the plaintiff for partitioned is decreed, the respondents 4 to 9 have to work out their remedy in the share of 1st defendant. More over the respondents 5 to 9 are contenting that the petitioner/plaintiff has no right over the suit properties. Since the suit is for partition for a binding decree, this court is of the view that this respondents 4 to 9 can also to be impleaded in this case as defendants.

10) In the result, this petition is allowed.

Dictated to the steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, on this the 05th day of December, 2024.

Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioners:

-Nil-

Witness and Exhibits on the side of the Respondents:

-Nil-

Additional District Judge,
Virudhunagar.

Additional District Court
Virudhunagar
IA No.1/2023 in OS No.157/2021
ORDER
Dated: 05.12.2024
