



Munsif Court, Nilakottai for partition of only one of the items mentioned in O.S.No.49 of 2012. Therefore, the impleading applications were filed by the petitioner to implead her in the suit and the injunction application.

3. The said applications were opposed by the respondents contending that the petitioner was given in marriage even 50 years before and she is living in Batlagundu. It is only at the instance of the defendants, who had instigated the petitioner, filed the suit before the District Munsif Court, Nilakottai. According to the respondents, the petitioner is not a necessary party.

4. After considering both the sides, the trial Court had dismissed the applications directing the petitioner to file Transfer O.P to transfer the suit in O.S.No.27 of 2013 pending on the file of the District Munsif's Court, Nilakottai or to take steps to transfer the suit to the District Court, Dindigul and further added that if the petitioner is impleaded as a party to the proceedings, there would be a conflicting judgment and decree.

5. I am afraid that the reasoning of the learned trial Judge is not correct. Admittedly, in the suit filed by the petitioner in O.S.No.27 of 2013, the plaintiff and the first defendant were parties. Therefore, for proper adjudication, the petitioner should be impleaded as a party to the present suit also. By impleading her, no prejudice would be caused to the respondents, as the petitioner is one of the co-sharer of 'A' schedule property.

6. The learned counsel appearing for the respondents though raised objections, later agreed that she should be impleaded as a party.

7. In view of the above, this Court is of the considered view that the petitioner Ponnuthai has to be impleaded as a party in I.A.No.318 of 2012 in O.S.No.49 of 2012.

8. In the result, these Civil Revisions are allowed. No costs. It is submitted that the suit property in O.S.No.27 of 2013 is also a suit property in O.S.No.49 of 2012. It is consented by both the counsels that the suit in O.S.No.27 of 2013 on the file of the District Munsif Court, Nilakottai may be withdrawn and transferred to be tried along with O.S.No.49 of 2012 on the file of the District Court, Karur. Accordingly, it is directed that O.S.No.27 of 2013 is transferred and to be tried along with O.S.No.49 of 2012 on the file of the learned District Judge, Karur. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. The District Judge, Karur.
2. The District Munsif, Nilakottai

+1 CC TO M/S.D.NALLATHAMBI, ADVOCATE SR.NO.365

+1 CC TO M/S. K.GOVINDARAJU, ADVOCATE SR.NO.340

C.R.P.PD (MD) Nos.1599 and 1600 of 2013
6/1/2015