



A.No.1597 of 2023

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in C.S.No.6 of 2020

K.KUMARESH BABU,J.

This application had been filed seeking to implead the respondents 9 to 11 as defendants 9 to 11 in C.S.No.6 of 2020.

2.The case of the applicant is that they had purchased some of the suit scheduled properties from the defendants 1 and 2. In respect of the said properties he had sought for an declaration to declare that those properties belonging to the joint family property of which he had also sought for a relief of partition. Therefore, he had also taken out two further applications to grant leave to rely upon certain documents which would relate to the sale transaction between the defendants 1 and 2 and the proposed defendants 9 to 11. Therefore, he would submit that the proposed defendants 9 to 11 are proper and necessary parties to the suit and also the documents for which leave is granted are relevant documents to substantiate his claim.



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3.The said application has been vehemently opposed by the learned counsel appearing for the 11th respondent, who is also the proposed 11th defendant. He would submit that the properties were the individual properties of the 1st and 2nd defendants and the properties are standing in their name and therefore, he had purchased a property standing in the name of the individual and cannot be claimed to be a joint family property.

4.Learned counsel for the other defendants would also submit that, as regards to the property that had been sold to the proposed defendants they stood in the individual name of the 1st and 2nd defendants. But, However, they were not seriously objecting to the impleadment of the parties as one of the prayer in the Suit is for a declaration to declare the properties standing in the name of them to be a joint family property.

5.Learned counsel for the newly proposed 9th and 10th defendants would also have no serious objections in allowing the impleading application.



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6.I have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record before this Court.

7.The objections that had been made by the learned counsel appearing for the newly proposed 11th defendant is that they had purchased the property which stood in the name of the 1st and 2nd defendants in their individual capacity. Be that as it may, the first relief that has been sought in the suit is for a declaration to declare the suit scheduled properties standing in the name of the 1st and 2nd defendants to be a joint family property and the same is being contested by the 1st and 2nd defendants. If a situation arises that such a declaration is being granted by this Court then it would directly affect the rights of the purchasers namely the proposed defendants 9 to 11 herein which would only lead to multiplicity of proceedings. Hence, I am of the view that even though, they are not a proper party for the determination of the lis, they would be a necessary party as any declaration as prayed for



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in the suit would affect the interest of the proposed parties.

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8.In fine, the impleading application is allowed. The respondents 9 to 11 are impleaded as defendants 9 to 11 in the Suit. The Learned counsel for the plaintiff shall carryout the necessary amendments in the plaint within a period of four weeks from today.

9.The newly impleaded defendants 9 to 11 are also directed to file their written statement within a period of four weeks from the date of service of the amended plaint copy to them.

21.06.2023

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