



A.NO.5352 OF 2023
IN C.S.NO.156 OF 2022

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N.SATHISH KUMAR, J.

This application has been filed by the applicant / sole defendant to implead the proposed parties as defendants 2 and 3.

2.The Suit has been originally filed by the plaintiff against only one defendant seeking partition of the properties. Now that this application has been filed by the sole defendant in the Suit as if in the “C” Schedule property, her eldest son is in possession and “D” Schedule property is also looked after by him and there was an oral settlement in his favour and therefore, they are all necessary parties to the Suit.

3.I have perused the entire affidavit and the Suit has been laid for the properties left by the parents and sister of the plaintiff and defendant. In the absence of any title, right or interest over the properties created by any of the document, mere oral submission of the defendant/applicant to implead her children will not arise at all. After all,



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the Suit is one for partition between the sisters and their rights has to be established in pleadings and evidence. Whatever rights derived by the defendant / applicant, then only the same will enure the benefit of the proposed parties.

4.In such view of the matter, the plaintiff being *dominis litis* and the proposed parties have no interest or whatsoever in the Suit property, they cannot be impleaded as parties to the Suit as a matter of right. Accordingly, this application is dismissed.

5.Post the Suit before the Additional Master – III for continuation of evidence on 27.11.2023.

01.11.2023

TK



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