

**IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha.K. Bhadran, Munsiff
Friday, 7th March, 2025/16th Phalgunam, 1946**

IA.No.20/2025 in OS. No.345/2023

Filed on 07.02.2025

Petitioners/Defendants:-

1. Sadasivan.S @ Babu, aged 70 years,
S/o Krishnan, Ellapadittathil House,
Thamallackal South Muri,
Kumarapuram Village,
Karthikappally Taluk,
Alappuzha District-690548, Secretary,
Thevalapurath Kudumba Yogam.
2. Sasikumar. S, aged 63 years,
S/o Surendran, Secretary,
Kolath Devaswom Committee,
Haripad. P.O, Haripad Village,
Karthikappally Taluk, residing at
Kalalayam, Thamallackal North. P.O,
Kumarapuram, Haripad, Karthikappally
Taluk, Alappuzha District 690 548.
3. Mohandas. K, aged 65 years,
S/o Kesavan, Puthen Veettil,
Haripad.P.O, Haripad Village,
Karthikappally Taluk,
Alappuzha District.
4. Santhosh. R, aged 50 years,
S/o Rajan, Kanjirathu Veedu,
Tamallackal Thekku,
Kumarapuram Village, Karthikappally
Taluk, Alappuzha District.
5. Vipin Vas, aged 40 years, S/o Vasavan,
Vasavalayam, Thamallackal Thekku,
Thamallackal. P.O, Kumarapuram
Village, Karthikappally Taluk,
Alappuzha District.

6. Sajeevan. S, aged 60 years,
S/o Girija, Gowreessam,
Nangiarkulangara Muri,
Kumarapuram Village, Karthikappally
Taluk, Alappuzha District.
7. V. Pramod, aged 50 years,
S/o Ammini, Pramod Bhavanam,
Peringara .P.O, Thiruvalla Village.
8. Prasanth Haridasan, aged 40 years,
S/o Haridasan, Haridasapuram,
Pothappally Vadakku Muri,
Kumarapuram P.O, Kumarapuram
Village, Karthikappally Taluk,
Alappuzha District.
9. M. K. Ponnama, aged 78 years,
D/o Kunjikutty, Raveendra Bhavanam,
Thulamparambu Thekk Muri,
Haripad Village, Karthikappally Taluk,
Alappuzha District.
10. Ullas Kumar, aged 55 years,
S/o E. K. Thampi,
Mani Bhavanam, Thamallackal . P.O,
Kumarabhavanam.
11. E. B. Venugopal, S/o Baskaran,
Koduppattu, Thamallackal.P.O,
Thamallackal.
12. Baby Sarojam, D/o Kamala Bhai,
Kamalalayam, Pallippadu, Haripad. P.O,
Haripad.

(By Adv. G. Beno)

Respondents/Plaintiffs/

Defendants:

1. Thevalapurathu Family Trust,

Kolathu Devi Temple,
represented by it's President
N.Nadarajan, aged 87 years,
S/o Narayanan residing at Thirveni,
Puthupally South Muri,
Puthupally. P.O, Puthuppally Village.

2. Kunjaniyan, aged 75 years,
S/o Kunjupanikkan,
Thettikkattil Veedu,
Thamallakkal South. Kumarapuram.
3. The Alappuzha District Co- Operative
Bank Ltd. Haripad Branch,
represented by its Manager.
4. The Punjab National Bank,
Haripad Branch, represented by its
Manager.

R1 By Adv. D. Biju

R2 BY Adv. R. Aravindakshan.

This petition having been finally heard on 01.03.2025 and the court on 07.03.2025 passed the following:-

ORDER

Petition filed under O.1 R.10(2) of CPC to implead additional 3rd and 4th respondents in the petition.

2. Petition averments in brief are as follows:- Petitioners are the defendants in the suit. Suit is for permanent prohibitory injunction. As per order in IA 1/23 dated 11-03-2024, petitioners/defendants are restrained from obstructing first respondent/plaintiff from participating in the general body meeting and from nominating any

other person as the president of the administrative committee without the consent of first respondent/plaintiff. First respondent/plaintiff misrepresented the above order to 3rd and 4th respondents where 1st defendant Thevalappurath Kudumbayogam and temple administrative committee are holding their accounts. Claiming that there is dispute between first respondent and others regarding temple administration, first respondent is preventing petitioners from operating their bank accounts with 3rd and 4th respondents. The operation of the bank account is highly essential for the day today affairs of the Thevalappurath Kudumbayogam and temple administrative committee. Hence the above petition to implead 3rd and 4th respondents in the above petition.

3. First respondent/plaintiff filed objection stiffly opposing the above petition. It is contended that the above petition is devoid of merits and is liable to be dismissed. Petitioners have wilfully violated the order of temporary injunction in IA 1/23. Petitioners are attempting to withdraw the funds of Kudumbayogam after illegally suspending the treasurer and by usurping the powers of plaintiff. The bank account is to be jointly operated by the plaintiff, treasurer and the secretary. The attempt of petitioners is to misutilise the

funds and gold ornaments of the temple.

4. The following point arise for consideration.

1) Whether the petition is liable to be allowed?

5. **The Point:-** Suit is one for permanent prohibitory injunction restraining defendants from obstructing plaintiff from participating in the general body meeting and from nominating any other person as the president of the administrative committee without the consent of plaintiff. As per order in IA 1/23 dated 11-03-2024 respondents are restrained from obstructing first respondent/plaintiff from participating in the general body meeting and from nominating any other person as the president of the administrative committee without the consent of first respondent/plaintiff.

6. The contention of petitioners is that misinterpreting the above order first respondent is claiming that there is dispute between the signatories in operating the bank account and the respective banks wherein the kudumbayogam and temple administrative committee are holding accounts are to be impleaded in the present petition. IA 19/2025 is filed by petitioners seeking a clarification to the order in IA 1/2023 dated 11-03-2024 contending that the order is not touching upon the operation of the accounts of Kolath Devi Temple

and Thevalappurath kudumbayogam.

7. Learned Counsel for plaintiff/first respondent contented that only a proper or necessary party can be impleaded in the suit if his presence is necessary to effectually and completely adjudicate upon and settle all questions involved in the suit. Order 1 Rule 10(2) of the Code of Civil Procedure provides that, the court may at any stage of the proceedings either upon or without an application of either party, order that any person whose presence may be necessary in order to enable the court to effectually and completely adjudicate upon and settle all the question involved in the suit, be added as additional party. It is well settled that plaintiff being the dominus, cannot be compelled to fight a litigation against a person with whom he does not want to fight and from whom he does not want to get a relief. But the Court may, even against the wishes of the plaintiff, add such person as an additional defendant, if the court finds that he is a necessary party and he ought to have been joined as a party to the suit. The Court may also allow a third person to come on record as an additional defendant if his rights are likely to be affected by the decree that may be passed in the suit and whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in

the suit. **Hon'ble Supreme Court of India in Sudhamayee Pattnaik and Others v. Bibhu Prasad Sahoo and Others 2022 (6) KHC SN 20 (page No. 67) (SC)** held that *“Plaintiff is the dominus litus and unless the court suo moto directs to join any other person not party to the suit for effective decree and or for proper adjudication as per Order 1 Rule 10 CPC, nobody can be permitted to be impleaded as defendants against the wish of the plaintiffs. Not impleading any other person as defendants against the wish of the plaintiffs shall be at the risk of plaintiffs”*.

8. In the case in hand, the dispute is between plaintiff and defendants. Impleading the bank wherein Thevalappurath kudumbayogam and Kolath Devi Temple administrative committee are holding accounts are not necessary for the effective adjudication of the suit or I.A 19/2025. The averments in the accompanying affidavit are not sufficient to hold that 3rd and 4th respondents are necessary or proper parties. Accordingly, I find no merit in the above petition.

In the result,

- 1) Petition is dismissed.
- 2) Considering the facts and circumstances of the case, parties are directed to bear their respective

costs.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the 07th day of March, 2025.

Sd/-

Maneesha K Bhadran
Munsiff

Appendix: - Nil

Id/-

Munsiff.