

**IN THE COURT OF THE MUNSIFF, HARIPAD.**  
**Present: Smt. Maneesha K Bhadran, Munsiff**  
**Monday, 23<sup>rd</sup> March, 2026/2<sup>nd</sup> Chaithram 1947**

**IA. No.2/2026 in OS. 387/2025**

**(Filed on 09.02.2026)**

**Petitioners/ Defendants**

1. Yamini Devi@ Yaminikutty, Aged 52 years,  
D/o Kesavan Namboothiri,  
Kallambally illam,  
Muttam Muri, Cheppad Village,  
From Palathinkara Illam, Kuttemperoor.P.O,  
Mannar.
2. Yamunadevi, Aged 50 years,  
D/o Kesavan Namboothiri,  
Kallambally illam,  
Muttam Muri, Cheppad Village,  
From Chandramana Illam,  
Kumarakam Thekkum Bhagam,  
Kumarakam Village, Kottayam District.

**By Adv. D. Vijayambika**

**Respondent/ Plaintiff**

1. Krishnan Namboothiri,  
Aged 75 years,  
S/o Narayanan Namboothiri,  
Kallambally Anugraha, Muttam Muri,  
Cheppad Village.
2. Mahesh, Aged 39 years,  
S/o Krishnan Namboothiri,  
Kallambally Anugraha, Muttam Muri,  
Cheppad Village.

**Adv. B. Latha**

This petition having been finally heard on 11.03.2026 and the court on 23.03.2026 passed the following:

## **ORDER**

Petition filed by petitioner to implead him as additional third plaintiff in the suit.

2. Petition averments in brief are as follows:- Petitioner is the father of plaintiffs. Petitioner obtained plaint schedule item No.3 property as per partition deed No.2420/1976 of Cheppad SRO and he was in absolute possession and enjoyment of the same. 3 cents out of the above property was conveyed by petitioner to to his daughters as per Settlement deed No.797/1997 of Cheppad SRO. First defendant and his son have illegally trespassed into the property of plaintiffs and constructed a boundary wall therein. It is contended that defendants obtained property as per sale deed No.2363/1982 executed by petitioner. Petitioner has not executed the above deed in favour of defendants. Petitioner is a necessary party to the above suit. Hence the petition.

3. Respondents filed objection stiffly opposing the above petition. It is contended that the above petition is devoid of merits and is liable to be dismissed.

4. The following point arises for consideration.

Whether the petition is liable to be allowed?

5. The Point:- Suit is one for declaration of plaintiffs' title over plaint schedule item No.1 and 2 properties, fixation of boundary and

injunction both mandatory and prohibitory. The contention of plaintiffs is that they obtained plaint schedule item No.1 and 2 properties as per Settlement deed No.797/1997 and 1653/2023 of Cheppad SRO. Defendants contend that they obtained plaint schedule item No.3 property as per Sale deed No.2363/1982 executed by father of plaintiffs, the petitioner herein. Petitioner seeks to implead himself as a party in the above suit contending that he has not executed sale deed No.2363/1982 in favour of first defendant.

6. Learned Counsel for respondents 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.

8. In the case in hand, the dispute is between plaintiffs and defendants. The presence of petitioner is not necessary for the effective adjudication of the suit. If petitioner has any grievance that sale deed No.2363/1982 is not executed in favour of first defendant, he can seek legal proceedings against defendants by instituting a separate suit. 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 23rd day of March, 2026.

Sd/-  
**Maneesha k Bhadran**  
**Munsiff.**

**APPENDIX-Nil**

Id/-  
**Munsiff**