

**IN THE COURT OF THE MUNSIF, KOCHI**

**Present :-**

**Smt. Simi P Siju, Additional Munsiff**

Wednesday the 5<sup>th</sup> day of November, 2025/14<sup>th</sup> Karthika, 1947

**I A No. 13/2025 in O.S. No. 184/2024**

**Petitioner/Defendant 1 & 2 :-**

- 1 Geetha Anand, W/o.Anand V Shenoy, aged 70 years, residing at # CC 8/150, South Cherlai, Mattancherry, Ernakulam, Pin-682002
- 2 Vinod Anand, S/o.Anand V Shenoy, aged 46 years, residing at # CC 8/150, South Cherlai, Mattancherry, Ernakulam, Pin-682002

By Adv. Raju Joseph & Sindhu R

**Respondents/Plaintiffs:-**

- 1 Muraleedhara Pai K R, S/o.Rama Pai, aged 58 years, CC.4/1009, Cherlai, Mattancherry, Kochi-2
- 2 G Jaya, W/o.Muraleedhara Pai K R, aged 48 years, CC.4/1009, Cherlai, Mattancherry, Kochi-2
- 3 Lakshmi Priya K M Pai, D/o.Muraleedhara Pai K R, CC.4/1009, North Cherlai, Mattancherry, Kochi-2
- 4 Rajesh Anand, S/o.Anand V Shenoy, aged 44 years, r/o. CC 8/150, South Cherlai, Mattancherry, Kochi-2
- 5 Kochi Thirumala Devasom represented by its President Gosreepuram, Mattancherry, Ernakulam, Kochi-682002

R 1 to R3 By Adv. A Anilkumar, Balamuralikrishan C U  
& Mary Crescent

R4 No Vakkalath

This petition is come up for hearing before me on 03.11.2025 and the court on 05.11.2025 passed the following:-

**ORDER**

The present petition is filed for impleading Kochi Thirumala

Devasom as additional defendant No.4 in the suit.

2. **The petition summary is as follows:-** Petitioner is the 2<sup>nd</sup> defendant in the above suit. The above suit is filed for mandatory injunction and permanent prohibitory injunction against the defendant. The respondent No.1, 2 and 3 have purchased the property without properly scrutinizing the title of the person who sold the property to them. 2 cents of land in Sy.No.317/2 belongs to Kochi Thirumala Devasom and they are necessary parties to finalizing the suit and settling the dispute between the petitioner and the respondent. The petitioner is here filing an application to implead Kochi Thirumala Devasom who are necessary parties to finalizing the dispute. The property now claimed by the respondent as their own and in ownership actually belong to Kochi Thirumala Devaswam has to be impleaded. If the application is now allowed it will cause miss carriage of justice and hindrance to these petitioners.

3. The respondents/plaintiffs filed an objection contending that the above petition is not maintainable either in law or on facts of the case. No party to the suit died during the prosecution of the suit and hence, no legal heir needs to be impleaded in the suit. The mandatory

and prohibitory injunction which is detrimental to the peaceful enjoyment of Plaint B schedule property by the plaintiffs. Therefore to decide the issues before the court, Cochin Thirumala Devaswom need not be a party to the suit. There is no prima facie evidence produced by the defendants to show that there is 2 cents of land belonging to Cochin Thirumala Devaswom with these plaintiffs. The petition is filed only to protract the matter. Therefore the petition may be dismissed with costs of the plaintiffs.

**4. The points arise for consideration:-**

- a. Whether the petition can be allowed?
- b. Relief and cost

5. Heard both sides.

6. **Point No.1 and 2:** The specific case of the petitioner is that the respondents purchased the property without properly verifying the title of their vendor. According to the petitioner, 2 cents of land in Sy.No.317/2 actually belongs to Kochi Thirumala Devaswom, and hence, they are necessary parties to the proper and effective adjudication of the dispute. The petitioner contends that unless the Devaswom is impleaded, the issues relating to ownership

and possession cannot be finally settled and the non-joinder will result in miscarriage of justice. But the respondent contended that no party to the suit has died during the pendency of the proceedings and, therefore, there is no necessity to implead any new party. The suit is one for mandatory and prohibitory injunction, and the question of title is not directly in issue. The plaintiffs further contend that there is no prima facie evidence to show that 2 cents of land in Sy.No.317/2 belongs to the Kochi Thirumala Devaswom.

7. This court considered the rival submissions made by the parties. The present suit is one for mandatory injunction and permanent prohibitory injunction in respect of the plaint schedule property. The primary issue to be decided in the suit is whether the plaintiffs are entitled to the injunctions prayed for based on their possession and enjoyment of the property.

8. The petitioner/2nd defendant has not produced any document or prima facie material to substantiate that 2 cents of land in Sy.No.317/2 belongs to Kochi Thirumala Devaswom, nor that the said institution claims any right, title, or interest over the suit property. In the absence of such material, this Court is not satisfied

that the presence of Kochi Thirumala Devaswom is necessary for the effective and complete adjudication of the issues involved in the present injunction suit.

9. As the reliefs sought are purely injunctive in nature and do not require an adjudication of ownership beyond the parties on record, the proposed party cannot be treated as either a necessary or proper party within the meaning of Order I Rule 10(2) CPC. In such circumstances this court is of the view that Kochi Thirumala Devasom is not a necessary party to finalizing the suit and settling the dispute between the petitioner and the respondent. Accordingly, point No.1 and 2 are found against the petitioner.

**In the result, the Petition is dismissed without cost.**

*(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 5<sup>th</sup> day of November 2025).*

**APPENDIX : NIL**

**//True Copy//**

Sd/-  
**Simi P Siju**  
**Additional Munsiff**

Id/-  
**Additional Munsiff**

**Additional Munsiff**

**O R D E R**

**I.A. No.13/2025**

**O.S. No.184/2024**

**Dated : 05.11.2025**