

IN THE COURT OF THE MUNSIF, KOCHI

Present :-

Smt. Simi P Siju, Additional Munsiff

Saturday the 17th day of January, 2026/ 27th Pousha, 1947

IA No. 9/2025 in OS. No.229/2023

Petitioners/Defendants:-

- 1 Davis Joseph Valooran, S/o. Joseph @ Kochupappu, Valoorn House, Njarakkal P.O, Kochi Taluk.
- 2 Avarachan A.T @ Antony, S/o. Thomas, Awva House, Njarakkal P.O, Kochi Taluk.

By Adv. Subhash Chandran P P

Respondent/Plaintiff:-

Johnson Manjaly, S/o. M.D Devassy, Rose Villa, Njarakkal P.O, Kochi Taluk.

By Adv. Jinish Paul P

This petition come up for hearing before me on 08.01.2026 and the court on 17.01.2026 passed the following:-

ORDER

The present petition is filed for impleading the additional defendants.

2. The petition summary is as follows:- Petitioner is the 2nd defendant in the above suit. The petitioner raised the question of non jointer of necessary parties in his written statement. Issues also arose to that point. Urumis Joseph Valooran who is the joint owner of the plaint schedule property and Jojo Mampilly who is said to have executed a document with the plaintiff and gave possession of the plaint schedule property are very

necessary parties to the suit. The ownership of Urumis Joseph Valooran over the plaint schedule property and execution of the document with Jojo Mampilly are admitted by the plaintiff in the suit. For the fruitful adjudication of the case in hand, Urumis and Jojo Mampilly are necessary parties to the suit and they are to be impleaded as additional defendants in the suit. During the pendency of the suit, the first defendant by sale deed dated 04.11.2024 bearing No.1609/2024 of SRO, Njarakkal has sold 7.240 cents(2 Ares 93 sq.mt) of landed property in Njarakkal village resurvey No.75/9-2 and 110 sq.feet northern portion of house bearing No.3/349 (1/186 old number) of Njarakkal panchath the counter claim schedule property to Lissy Jose. Lissy Jose is also a necessary party to the suit and she is to be impleaded as additional defendant in the suit. The petitioner is filing separate petition along with this affidavit to implead the above said all necessary parties to the suit. Hence the petition may be allowed.

3. The respondent/plaintiff filed counter affidavit contending that the above suit is filed for temporary injunction. On 13.03.2023 the injunction was granted by this court. The petition in IA.6/2023 to vacate the interim injunction was also dismissed. The above persons can be witnesses to the transaction involved in the above suit and they need not be arrayed as defendants at any rate. The 1st party sought to be impleaded

Urumees is admittedly the joint owner of the plaint schedule property who in turn authorized Jojo Mampilly to take care of the property including for rental arrangement with plaintiff. Other than the above aspect, the 1st and 2nd party sought to be impleaded in the party array as defendants is totally unnecessary in the light of the facts and reliefs averred in the plaint. No purpose would be reserved by impleading Urumees and Jojo while deciding the issue of illegal eviction from the plaint schedule property.

4. The 1st defendant had executed a bogus sale deed without any consideration in the name of 3rd party, Lissy Jose sought to be impleaded who is none other than the wife of the 2nd defendant. Therefore it is apparent on the face of record that the sale transaction itself is fabricated in order to defeat the claim of the plaintiff and to show that a lawful partition is affected in between the 1st party Urumees and 1st defendant. Therefore the 3rd party Lissy Jose may be impleaded in order to prosecute the suit provided the 1st defendant should be deleted from the party array by filing an affidavit that he has no surviving right or interest in the plaint schedule property anymore and he will not purchase or take back the property from Lissy Jose in future either in his name or his legal heirs. However it is pertinent to note that the above said Lissy Jose has filed OS.284/2024 pending before the Prl.Munsiff Court, Kochi. Along with the said suit an

injunction application was also filed which is per se contrary to the temporary injunction granted in this case. The subject matter & parties of both the suit are substantially similar. Therefore the present impleading application is unnecessary and only to drag the proceedings. The above application is not legally maintainable either in law or on facts. Hence the same may be dismissed.

5. The points arise for consideration:-

1. Whether the petition can be allowed?

2. Reliefs and costs?

6. Heard both sides.

7. **Point No.1** :- The present application is filed by the petitioner to implead Mr.Urumis Joseph Valooran, one mr. Jojo Mampilly and Lissy Jose as defendants No. 3, 4 and 5 in the suit. According to the petitioner, all these persons are necessary parties in the suit. The same is also reflected in the written statement filed by the present defendant. Petitioner further contended that, while the suit is pending consideration, the 1st defendant had transferred his share in the property to Lissy. In such circumstances, the petitioner is seeking impleadment of the above mentioned persons in the suit. The respondent/plaintiff filed a counter affidavit contending that the suit being one for injunction simpliciter, the proposed parties are neither

necessary nor proper parties. It is further contended that the alleged sale deed in favour of Lissy Jose is bogus and intended only to defeat the injunction order already in force. It is also pointed out that Lissy Jose has instituted O.S.No.284/2024 before the Prl. Munsiff Court, Kochi in respect of the same subject matter.

8. This court considered the rival submissions made across the bar. Upon consideration this court found that Urumis Joseph Valooran and Jojo Mampilly are necessary to the party to the suit as it because Valooran is the co owner of the plaint schedule property and the Jojo Mampilly is appointed by the Urumis Valooran to look after the plaint schedule property. Also it is pertinent to note that the respondent is a tenant on the basis of the agreement executed between the respondent and the Jojo Mampilly. In such circumstances, this court has no doubt that these persons are necessary parties to the suit. The petitioner further contended that Smt.Lissy Jose is also a necessary party because during the pendency of suit, the counter claim schedule property was transferred into her name. In such circumstances this court is of the view that she is also a necessary party in the suit. Accordingly point No.1 is found in favour of the petitioner.

9. Point. 2:- As point no. 1 is found in favour of the petitioner, this point is also found in favour of the petitioner.

In the result, the Petition is allowed without cost and carryout impleadment within 5 days from the date of this order.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 17th day of January 2026)

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

APPENDIX : Nil

**Id/-
Additional Munsiff**

//True Copy//

Additional Munsiff

ORDER
I.A. No.9/2025 in
O.S. No.229/2023
Dated : 17.01.2026