

**IN THE COURT OF THE MUNSIFF-MAGISTRATE, MANNARKKAD**

Present:- Smt. Lilly Krishnan, B.Sc., LL.B., MBA., Munsiff - Magistrate.

Friday, the 11<sup>th</sup> day of April, 2025

(21<sup>st</sup> day of Chaithra, 1947, S.E)

**Interlocutory Applications No. 121/2025 and 122/2025 in OS No. 18/2017**

V. G. Sarada, aged 92 years, D/o. V. Govindanunni Panicker, Valiya Veettil, Karakurussi amsom desom, Mannarkkad Taluk.	Petitioner /Plaintiff
Vs.	
1. Tahsildar, Taluk Office, Mannarkkad. 2. Rajeev, S/o. Vasu Panicker, Puthan Veettil, Vezhempuram Po., Karakurussi, Mannarkkad Taluk. 3. Ramesh, S/o. Ganapathi, Chakrattil House, Vazhempuram Po., Karakurussi, Mannarkkad Taluk. 4. Appukutty Gupthan, S/o. Narayana Gupthan, Choorakkattil Veedu, Vazhempuram Po., President, Chullisseri Sree Ramaswami Kshethram Samrakshana Samithi. 5. K. Gireesan, S/o. Ponnu @ Kutty Krishnan, Kunnathukalathil Veedu, Vazhempuram Po., Secretary, Chullisseri Sree Ramaswami Kshethram Samrakshana Samithi. 6. Udayakumar, S/o. Mani, Pulluvayil Veedu, Vazhempuram Po., Joint Secretary, Chullisseri Sree Ramaswami Kshethram Samrakshana Samithi. 7. Ayyappan, S/o. Chami, Kannayil Veedu, Vazhempuram Po., Khajanji, Chullisseri Sree Ramaswami Kshethram Samrakshana Samithi.	Respondents /Defendants

This Petition coming on the 1<sup>st</sup> day of March, 2025 for hearing before me in the presence of Sri. K. R. Giri Iyer, Advocate for Petitioner/Plaintiff and Advocate doing Govt. Works for Respondent No. 1, Sri. P. M. Jayakumar, Advocate for Respondents No. 2 and 3, and Sri. K. Suresh, Advocate for Respondents No. 4 to 7, and having stood over to the 11<sup>th</sup> day of April, 2025 for consideration, and this Court delivered the following:-

**ORDER**

IA 121/2025 and IA 122/2025

These are petition filed under Order 22 and Rule 4 of Civil Procedure Code and Order 6 Rule 17 of Civil Procedure Code.

2. This Petitioner/Plaintiff filed this petition to implead the wife and children of the deceased Defendant No. 1 as supplemental Defendant No. 10 to Defendant No. 14 and for the subsequential amendment. Respondent No. 3 and 4 filed counter stating that, the Defendant No. 1 had received notice and Summons in this suit and he had not appeared and remained ex parte, for about 7 years. The Defendant No. 1 was made party to suit only to prolong the matter. Defendant No. 1 was made part as representative of the Sree Ramaswami Temple.
3. The Plaintiff/Petitioner has given a settlement deed in favour of 1<sup>st</sup> defendant as a Trustee and he was managing the affairs of temple. So the Legal

Representatives of Defendant No. 1 had no manner of right over the Temple property. Defendant No. 1 is only a representative of Temple property. So his Legal Representatives are not necessary parties to the suit. No relief is sought against the Defendant No. 1. Respondent No. 6 to 9 also raised the same contentions. So the petition liable to be dismissed.

4. Heard both sides. Perused the records.

5. Following points arise for consideration:-

1. Whether the petition to implead supplemental D10 to D14 is to be allowed?
2. Whether the petition to amend the plaint is to be allowed?

6. **Point No. 1 and 2 :-** Defendant No. 1 died and he is heard ex parte in suit. Then Plaintiff filed petitions to implead Legal Representatives of Defendant No. 1. since defendant No. 1 is ex parte first petition has to be filed by legal representatives of defendant No. 1 to set aside exparte order and for that legal representatives had to come before court.

7. Defendant No. 1 is the trustee of property. So defendant No. 1 is party in this suit in official capacity. So no need to implead legal representatives was the contention of respondents. But on perusal of records it is seen that defendant No. 1 was the trustee of property as per the Document No. 1787/1982. As per the document whether they had any right in the property has to be ascertained with legal representatives of defendant No. 1. Otherwise it may result in multiplicity of proceeding. So this court allows the Interlocutory Application and directs to give notice to legal representatives of defendant No. 1. A chance has to be given to legal representatives of defendant No, 1 to set aside ex parte order and defend the case. Interlocutory Application to Implead supplemental Defendant No. 10 to defendant No. 14 is allowed. Issue summons to them. IA 122/2025 is consequential amendment. Hence it is also allowed.

(Dictated to the Confdl. Asst., transcribed by her, corrected and pronounced by me in open court on this the 11<sup>th</sup> day of April, 2025.)

APPENDIX:- Nil

Sd/-  
Munsiff-Magistrate

Sd/-  
Munsiff-Magistrate

//True Copy//

Munsiff-Magistrate

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FAIR/COPY COMMON ORDER IN  
**IA. No. 121/2025 and IA. 122/2025**  
**in OS. No. 18/2017**  
**Dated: 11.04.2025**  
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