

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
ANNUR.**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,  
District Munsif cum Judicial Magistrate, Annur.

**On this Monday, the 24<sup>th</sup> day of November, 2025.**

**I.A.No.9/2023**

**in**

**O.S.No.165/2023**

(CNR.No.TNCB21-001028-2023)

Previous case details of this case:-

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, COIMBATORE.

**I.A.No.5/2022 in O.S.No.956/2020**

(CNR.No.TNCB090013922020)

M.Natarajan

.... Petitioner / Plaintiff

//Versus//

1. T.Dhanabakiyam
2. R.Prasanth
3. The Collector, Coimbatore District.
4. The Tahsildar, Annur Taluk, Coimbatore.
5. The Sub Registrar, Annur, Coimbatore.

... Respondents No.1 to 5 / Defendants No.1 to 5

6. Annam Constructions Partnership Firm

Represented his Managing Partner

K.S.Vijayanandhan

7. K.S.Vijayanandhan

8. O.S.Sasikala

... Respondents No.6 to 8 / Defendants No.6 to 8 / Proposed Party

This petition is coming for final hearing before this court in the presence of Learned Advocate Mr.V.Mouli for the Petitioner / Plaintiff, learned Advocate Mrs.S.P.Mahalakshmi for the 1<sup>st</sup> Respondents/Defendants and 8<sup>th</sup> Respondents/Proposed party, upon perusal of material records and having stood over till this date for consideration, this court delivers the following :

### **ORDER**

This petition has been filed by the Petitioner / Plaintiff under Order 1 Rule 10 of CPC to implead the 6<sup>th</sup> to 8<sup>th</sup> respondents / proposed party as 6 to 8 defendants in the suit and render justice.

2. Both sides heard and the available case records perused. The main suit was filed by the petitioner / plaintiff for the relief of declaration regarding 3<sup>rd</sup> suit schedule property, which is a common passage lane. The declaration is regarding to right over that passage lane and the consequential relief of permanent injunction was also sought by the petitioner / plaintiff. While the case was pending at the stage of trial, this petition under Order 1 Rule 10 of CPC was filed by the petitioner / plaintiff to implead the proposed parties / respondents 6 to 8 as the defendants of the suit. In this interim application to implead the proposed parties, the respondents 6, 7/proposed parties and the respondents 3 to 5 were set exparte. The notice of the second respondent was dispensed since he was already set exparte in the main suit. The

respondents 1 and 8 filed their counter. The petitioners alleged that the participation of proposed parties /respondents 6 to 8 as the defendants to this suit is necessary because the first respondent had transferred ownership to the extent of one acre in SF No.244/1 to the 8<sup>th</sup> respondent, who in turn again sold the property to the 6<sup>th</sup> respondent / proposed party, a partnership firm represented by the managing partner - 7<sup>th</sup> respondent. It is the contention of the petitioner that the above said transaction was made along with right in the common passage, which is the matter in dispute of the suit.

3. The first respondent objected to this petition on the ground that the first respondent being an absolute owner of the property in SF No.244/1, she has right to deal with the property and since this petition itself an abuse process of law and no justification shown to implead the proposed parties as defendants to the suit, it is prayed by them to dismiss the petition.

4. It is the counter averment of the 8<sup>th</sup> respondent that the petitioner is not having any right over the properties in SF No.244/1 of Pillaiyappalayam on its western side or any where in it. This respondent also denies the allegation of a north-south passage in that property. The 8<sup>th</sup> respondent entirely denied the existence of common passage as alleged by the petitioner in SF No.244/1 as a common passage. The 8<sup>th</sup> respondent prays to dismiss the petition with compensatory cost on further grounds that no prima facie case and balance of convenience available for the petitioner as he

did not file any document to prove the alleged pathway in SF No.244/1 and his right over such alleged pathway.

5. On perusal of both sides averments submitted in the petition as well as counter of R1, R8, it shows that there is a counter allegation as to availability of a pathway, a common passage name as claimed by the petitioner/plaintiff. The alleged common pathway was said to be present in SF No.244/1 of Pillaiyappalayam Village. During the pendency of the petition, the petitioner filed a memo along with two documents to show that the suit property in SF No.244/1 was transferred through sale deed from the 8<sup>th</sup> respondent to the 6<sup>th</sup> respondent. The another document – a downloaded encumbrance certificate shows that first respondent had transferred the ownership to the 8<sup>th</sup> respondent even in the year 2021. In the present suit trial is yet to be commenced. The alleged common passage was said to be vested in SF No.244/1 and the same was found to be transferred from first respondent to 8<sup>th</sup> respondent and from 8<sup>th</sup> respondent to 6<sup>th</sup> respondent. The 6<sup>th</sup> and 7<sup>th</sup> respondents were already set *exparte* and no counter objection was filed by them. Since, the 8<sup>th</sup> respondent, who is a *lis pendens* purchaser also denying the availability of common passage lane, it is necessary for those proposed parties to participate in the trial proceedings for determining the availability of common passage and the petitioner's right over it. Hence, this court inclined to allow this petition.

**In the result,**

the petition is allowed. No cost.

Dictated to steno-typist and typed by her in my presence and corrected by me and pronounced by me in the open court on this 24<sup>th</sup> day of November, 2025.

District Munsif cum Judicial Magistrate,  
Annur.

**Both side Exhibits Marked : - NIL -**

District Munsif cum Judicial Magistrate,  
Annur.

**Draft/Final Order**

*I.A. No. 9/2023 in*

*O.S. No. 165/2023*

*Dated : 24.11.2025*

*DM cum JM, Annur.*

**THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
ANNUR**

PRESENT: Tmt.V.Monika, B.A., B.L., L.L.M.,  
District Munsif cum Judicial Magistrate, Annur.

**On this Monday, the 24<sup>th</sup> day of November, 2025.**

**I.A.No.9/2023**

**in**

**O.S.No.165/2023**

(CNR.No.TNCB21-001028-2023)

Previous case details of this case:-

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, COIMBATORE.

**I.A.No.5/2022 in O.S.No.956/2020**

(CNR.No.TNCB090013922020)

M.Natarajan (50), S/o. Marappa Gounder,  
Old No.8/79, New No.10/74, North Street,  
Kurumbapalayam, S.S.Kulam Via,  
Coimbatore – 641 107.

.... Petitioner / Plaintiff

//Versus//

1. T.Dhanabakiyam (50), W/o.Thangavel,  
D.No.2/538, Priyanka Nagar, Chettipalayam, Tiruppur – 641 603.
2. R.Prasanth (38), S/o. Radhakrishnan,  
D.No.5/1574A3, Pandiyan Nagar,  
Sri Akshaya Nivas,3rd Street, Neruperichal Nallappa Nagar,  
Boluvapatti Village, Tiruppur – 641 602.
3. The Collector, Coimbatore District,  
D.No.7/1, State bank Road,  
Gopalapuram, Coimbatore – 641 018.
4. The Tahsildar, Annur Taluk Office,  
Sathy Main Road, Annur, Coimbatore.
5. The Sub Registrar, Annur Sub Registrar Office, CSR Nagar,  
Annur Coimbatore. ... Respondents No.1 to 5 / Defendants No.1 to 5

6. Annam Constructions Partnership Firm  
Represented his Managing Partnership  
K.S.Vijayanandhan S/o. Shanmugasundharam,  
D.No.3/12C, Thachan Thottam, Sivanantha Mill Road,  
Vilankurichi, Coimbatore – 641 035.

7. K.S.Vijayanandhan S/o. Shanmugasundharam,  
Annam constructions Partnership Firm,  
D.No.3/12C, Thachan Thottam, Sivanantha Mill Road,  
Vilankurichi, Coimbatore – 641 035.

8. O.S.Sasikala W/o. Thangavel,  
D.No.4/212, Mahalachumi Garden, Ganeshapuram,  
Kattampatty, Annur, Coimbatore – 641 107.

**... Respondents No.6 to 8 / Defendants No.6 to 8 / Proposed Party**

This petition has been filed by the Petitioner / Plaintiff under Order 1 Rule 10 of CPC to implead the 6<sup>th</sup> to 8<sup>th</sup> respondents / proposed party as 6 to 8 defendants in the suit and render justice.

**Date of petition :** 13.06.2022.

This petition is coming for final hearing before this court in the presence of Learned Advocate Mr.V.Mouli for the Petitioner / Plaintiff, learned Advocate Mrs.S.P.Mahalakshmi for the 1<sup>st</sup> Respondents/Defendants and 8<sup>th</sup> Respondents/Proposed party. Upon perusal of material records and having stood over till this date for consideration, this court doth order and final order as follows:

i) that the petition be and hereby is allowed.

ii) that there shall be no cost.

**Memo of Cost**

- Both side cost list not filed -

**Schedule of Property**

- Nil -

Given under my hand and the seal of this court, this the 24<sup>th</sup> day of November,  
2025.

District Munsif cum Judicial Magistrate,  
Annur.

***Final Order in :***  
*I.A. No. 9/2023 in*  
*O.S. No. 165/2023*  
*Dated : 24.11.2025*  
*DM cum JM, Annur.*