

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, TITTAGUDI

Present: Selvi.N.Shalini, B.Com.LL.B.(Hons.)

Additional District Munsif, Tittagudi

Principal District Munsif, Tittagudi (F.A.C)

On Friday, the 17th day of April 2026

IA.No.280/2024 in O.S.No.77/2022

Periyasamy

...Petitioner/Plaintiff

/Vs/

1.Poongothai

...Respondent/Defendant

2.Elanchezian

3.Pachaiyammal

...2,3 Respondents/Proposed Defendants

This petition is coming before me for final disposal on 17.04.2026 in the presence of Mr.P.Velmurugan, Counsel for Petitioner; Mr.G.Elanchezian, Counsel for Respondents 1 & 2 and Mr.C.K.Navarasan, Counsel for R3. Upon hearing the arguments of both sides and upon perusing the materials on record, this court doth hereby pronounce the following;

ORDER

1. This petition in I.A.No.280/2024 has been filed under Order I Rule 10 CPC by the Petitioner/Plaintiff seeking to implead the 2nd and 3rd Respondent as the proposed 2nd and 3rd Defendants in the suit.

2. BRIEF AVERMENTS OF THE PETITION:

2.1. The petitioner is the plaintiff in the suit and that he has filed a suit for permanent Injunction. The Defendant along with the 2nd & 3rd Respondents conspired together, planned to bring in henchmen and paid them an advance of Rs.30,000/- to murder the petitioner and his family members, and their Advocate Mr.Bharath.

2.2. On the night of 07/06/2024, the 2nd Respondent sent the hired gang on his red TVS Centra two-wheeler bearing registration number TN 31 AJ 4125. Around 9:30PM, a total of 8 persons arrived and sprayed red chili spray on the faces of the petitioner's son Padmaraja, his friend Premraja, and Advocate Bharath. This was done with the intent to murder his son and Advocate Bharath. They carried out a murderous attack, beating them with iron rods and the wooden handles of spades. In that attack, they both sustained severe injuries and were rushed him to the hospital.

2.3. Regarding the said incident, a case has been registered at the Tittakudi Police Station against the respondents in Crime No. 137/2024 under sections 120(B), 147, 148, 294(b), 323, 324, 307, 506(ii) IPC. Hence, it is necessary to implead the proposed parties as defendants.

3. BRIEF AVERMENTS OF THE COUNTER OF THE 1ST RESPONDENT:

3.1. The 1st Respondent has denied the entire averments contained in the affidavit of the petitioner and the petition is liable to be dismissed.

3.2. This Respondent purchased the property from the Petitioner and his family members signed the sale deed with full consent, duly registered and handed over possession. Only with a view to retain possession of the property, the petitioner has filed this suit. The proposed parties are innocent and have not been involved in any criminal activities and they have no direct connection and no relief has been claimed against them.

3.3. It is one of the fundamental rules regarding the impleading of parties in a pending suit that careful attention must be paid to avoid adding parties if such addition is merely a strategy to air personal grievances or to expand the scope of the dispute within the suit. Hence, this petition is liable to be dismissed.

4. BRIEF AVERMENTS OF THE COUNTER FILED BY THE 2ND RESPONDENT:

4.1. The Respondent has denied the entire averments contained in the affidavit of the petitioner and the petition is liable to be dismissed. The allegation to hatch a plan for murder based on assumptions, creating a story using imagination, and based on that, claiming that the Advocate is a necessary party to this case is legally wrong. This petition is a mockery, filed with the sole malicious intent of humiliating an Advocate before the court with fabricated facts contrary to the truth, prepared and filed by a fellow Advocate working alongside. This petition has been filed by the petitioner with the ulterior motive of causing unnecessary harassment, primarily because the petitioner has no case that can succeed in the original suit through either documentary or oral evidence.

4.2. The Respondents lawyer has absolutely no connection to any of the incidents mentioned by the Petitioner. Regarding the criminal case, the Respondents lawyer is prepared to disprove the same in the Court of the Judicial Magistrate. Hence, the Respondents lawyer is not a necessary party to this case. If a judgment is to be obtained binding the said person for this case, there must be a right over the suit property for a necessary party. There must be a proper cause of action against this Respondent Lawyer regarding the suit property.

4.3. The petitioner, having executed a registered sale deed and now denying it by filing a suit based on false facts contrary to the truth, seeks a permanent injunction for a property over which they have no right. Such a remedy has no place in law. Hence, the petition filed by the petitioner is meritless, baseless, and legally unsustainable, and liable to be dismissed with costs.

5. BRIEF AVERMENTS OF THE COUNTER OF THE 3RD RESPONDENT:

5.1. The Respondent has denied the entire averments contained in the affidavit of the petitioner. The petitioner is duty-bound to prove that the proposed parties mentioned in their petition are necessary parties for this case.

5.2. It is stated that the story created for this petition is a mere figment of the imagination of the Petitioner's advocate. Given that the said advocate has already sold his two-wheeler and obtained a sale receipt for the same, the act of spreading defamatory statement before the Court regarding the said person, without knowing the true facts, constitutes an act of contempt of court. In this regard, the Respondent hereby reserves the right to file a defamation suit against the Petitioner and their advocate. It is legally wrong to demand that this Respondent be made a "necessary party" to this case based on mere assumptions and an imaginary story, without even considering that the Respondent is a woman.

5.3. This Respondent and their counsel have no connection whatsoever to any of the incidents mentioned by the Petitioner in their petition. Regarding the criminal case, both this Respondent and their counsel are ready to disprove the same in the Court of the

Judicial Magistrate. There is no cause of action or right regarding the suit property in relation to this Respondent. This petition has been filed with the intention of wasting the Court's valuable time, as they are unable to prove their case in the suit. Hence, this petition is liable to be dismissed.

6. POINT FOR CONSIDERATION

Whether this petition can be allowed?

Heard both sides and perused all the materials on record.

7. DISCUSSION AND REASONING

7.1. The Division Bench of the Hon'ble Supreme Court in the case of *Ramesh Hiranand Kundanmal vs. Municipal Corporation of Greater Bombay & Ors.* 1992 SCC (2) 524 observed that:

“The person to be joined must be one whose presence is necessary as a party. What makes a person a necessary party is not merely that he has relevant evidence to give on some of the questions involved; that would only make him a necessary witness. It is not merely that he has an interest in the correct solution of some questions involved and has thought or relevant arguments to advance. The only reason which makes it necessary to make a person a party to an action is that he should be bound by the result of the action and the question to be settled, therefore, must be a question in the action which cannot be effectually and completely settled unless he is a party. The line has been drawn on wider construction of the rule between the direct interest or the legal interest and commercial interest. It is, therefore, necessary that the person must be directly or legally interested in the action in the answer, i.e., he can say that the litigation may lead to a result which will affect him legally that is by curtailing his legal rights.”

7.2. A larger bench of the Hon'ble Supreme Court in *Kasturi vs. Iyyamperumal & Ors.* (2005) 6 SCC 733 laid down two tests for determining the question who is a necessary party.

“Tests are - (1) there must be a right to some relief against such party in respect of the controversies involved in the proceedings (2) no effective decree can be passed in the absence of such party.”

7.3. By relying upon the decisions of the Hon'ble Supreme Court, it is necessary that there must be a right to some relief against such party in respect of the controversies involved in the proceedings and that no effective decree can be passed in the absence of such party. In the instant case, the Petitioner has sought to implead the proposed Defendants based on the alleged offence that took place on 07-06-2024 wherein an FIR in Crime No.137/2024 was registered under sections 120(B), 147, 148, 294(b), 323, 324, 307, 506(ii) IPC against the Respondents and their henchmen. But separate criminal proceedings have already been instituted for the said incident.

7.4. Mere registration of an FIR against the proposed parties is not proof of guilt; it is only the formal initiation of an investigation, and does not evidence that the accused committed the offence. Under criminal laws, the accused is presumed to be innocent until proven guilty beyond reasonable doubt. Moreover, no documents have been exhibited before this court to show the occurrence of the alleged offence and the injury sustained by the parties as claimed by the petitioner.

7.5. Order I Rule 10 CPC empowers the Court to add parties who are either necessary or proper for the effective adjudication of the issues involved in the suit.

However, it is well settled that such power cannot be exercised to enlarge the scope of the suit or to introduce a new and independent cause of action. The proposed Defendants are not necessary parties for settling the issues involved in the suit.

7.6. The claim sought to be introduced by the petitioner is not germane to the original cause of action pleaded in the suit. The contentions of the petitioner arise out of a distinct and separate set of facts, which are neither directly nor substantially in issue in the present proceedings. Allowing the petition would result in materially altering the cause of action and would lead to introduction of a new cause of action, which is impermissible. Hence, this court is not inclined to allow this petition.

In the result, this petition is dismissed. No costs.

Directly typed by me in my laptop, formatted by Steno Typist, corrected and pronounced by me in the open court, on this the 17th day of April 2026.

Principal District Munsif, (F.A.C)
Tittagudi.

ORAL AND DOCUMENTARY EVIDENCE ON THE SIDE OF THE PETITIONERS

AND RESPONDENTS : NIL

Principal District Munsif,(F.A.C)
Tittagudi.

Fair Order
IA.280/2024 in
O.S.No.77/2022
Date: 17.04.2026