

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE  
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,  
Additional District Judge,  
Chengalpattu.

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Monday, the 6<sup>th</sup> day of April 2026

I.A.No.5/2025

in

O.S.No.260/2014

CNR.No:TNCG01-000614-2014

Pride Enterprises,

Represented by its partner Vikram Kumar Bagmar,

...Petitioner/ 3<sup>rd</sup> party/proposed 7<sup>th</sup> defendant

-Vs.-

1.S.Antony Michael

...Respondent/Plaintiff

2.Raji Chacko

3.P.C.Kurian

4.Robin Chacko

5.Rosh Chacko

6.T.Robert Gnanasekaran

7.M.Siddhiq @ Abu Bakker

...Respondents/defendants 1 to 6

This Petition coming before this court on 27.3.2026 for final hearing in the presence of M/s.P.Vasanthakumar and P.Vinayagamoorthy, counsel for the Petitioner/3<sup>rd</sup> party and Mr.R.Sugumar, Counsel for the 1<sup>st</sup> respondent/ plaintiff and Respondents 2 to 6 were remained ex parte in suit

and Mr.Balasubramani, counsel for 7<sup>th</sup> respondent and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

### **ORDER**

This petition is filed under Order 1 Rule 10(2) of CPC to implead the petitioner/3<sup>rd</sup> party as a party to the suit and rank them as 7<sup>th</sup> defendant in the suit.

1. The petition and counter perused.
2. Both sides heard.
3. The points for consideration:

Upon perusing the petitions and counters this court has framed the following point for consideration

“Whether the petition is to be allowed as prayed for”?

#### **4. Answer to the point:**

The petitioner is a 3<sup>rd</sup> party to the OS.No.260/2014. The 1<sup>st</sup> respondent is the plaintiff therein. The 2<sup>nd</sup> to 7<sup>th</sup> respondents are the defendants therein. The 1<sup>st</sup> respondent filed the original suit for the relief of permanent injunction in respect of ‘A’ schedule property and recovery of possession in respect of ‘B’ schedule property. As per the plaint averments ‘A’ schedule property comprised in Plot No.2A in S.No.51/1A Seevaram Village. ‘B’ schedule property comprised in Plot No.2A in S.No.51/1A measuring 300 sq.ft out of 19 ½ cents. The ‘B’ schedule property is a part and parcel of A schedule property. After the appearance of 2<sup>nd</sup> to 7<sup>th</sup>

respondents and settlement of issues, the trial was begun and the case is posted for cross examination of PW2. At this stage the present application is filed by the petitioner to implead him as a 7<sup>th</sup> defendant in the original suit.

5. The main contention of the petitioner is that he purchased the property from one Malikinnisha located in plot no.2A at old S.No.51/1A new S.No.51/1A1C measuring an extent of 20 cents out of 49 cents. He further submits that when the sale deed was presented for registration the Sub Register, Neelangarai has failed to register the documents stating certain reasons. Therefore, he filed W.P.No.1521/2018 before the Hon'ble High Court of Madras wherein the Hon'ble High court directed Sub Register, Neelangarai to dispose of the case within 6 months. However, the Sub Register, Neelangarai refused to register the documents for two reasons stating that the complaint preferred by one Pachiyappan is pending and interim order passed by the Hon'ble High Court was also pending. As against the said order he preferred appeal to District Registrar Chennai South District and the same is pending. Now, the 1<sup>st</sup> respondent has filed the present suit suppressing that the petitioner is a purchaser of the suit property and without impleading him the suit is filed. Therefore, the petitioner submits that he is also a necessary party to the suit and he may be impleaded.

6. Per contra, the 1<sup>st</sup> respondent has filed a detailed counter. The 1<sup>st</sup> respondent inter alia stated that the petitioner is an utter stranger and he has

suppressed certain material facts. He further submitted that the Sub Register, Neelangarai has rightly refused to register the sale deed presented by the petitioner. As against the same an appeal preferred by the petitioner before District Registrar, Saidapet was dismissed on 7.3.2019. Subsequently, the petitioner filed W.P.No.28081 and 19029 of 2018 and 22774 of 2017 before Hon'ble High Court of Madras and the same was dismissed as withdrawn on 17.9.2025. Therefore, the 1<sup>st</sup> respondent submits that as on date there is no appeal pending either before the registration authorities or before the Hon'ble High Court. While so, without having any right over the suit property the present petition is filed and it may be dismissed.

7. This court has considered the submissions of the respective sides. As the present petition is filed under Order 1 Rule 10 (2) CPC, it is the duty of the petitioner to prove that he is a necessary party to the proceedings. Needless to say Order 1 Rule 10 (2) CPC confers very wide power on the court regarding joinder of parties. However, such powers have to be exercised on judicial principles keeping in mind all the facts and circumstances of the case. While allowing an application under Order 1 Rule 10(2) CPC the court must bear in mind two important principles. Firstly, the plaintiff is the dominus litis and he cannot be compelled to fight against a person whom he does not want to fight and from whom he claims no reliefs. Secondly, the court must satisfy that the presence of particular persons is necessary to effectively and completely adjudicate all the disputes between the parties

irrespective the wishes of the plaintiff. Keeping in mind of the above said principles, this court has analyzed the averments of the parties. In the case on hand, though the petitioner has stated that Malikinnisha has executed a sale deed in favour of him, the copy of sale deed is not filed before this court. At the same time, the petitioner states that its registration was refused by the concerned Sub Registrar. As against the same he preferred an appeal before District Registrar South Chennai and he also preferred writ petition before the Hon'ble High Court. Whereas the 1<sup>st</sup> respondent states that the appeal filed by the petitioner before the District Registrar Saidapet was dismissed on 7.3.2019. He further averred that the writ petition filed before the Hon'ble High Court was dismissed as withdrawn on 17.9.2025. Therefore, it is clear that there is no appeal or writ petition pending before the District Registrar and Hon'ble High Court. Therefore, it is clear that the sale deed executed by Malikinnisha is not registered so far and it will not create any better title upon the petitioner. In order to implead himself as a party the petitioner must put forth his right or atleast a semblance of right in the suit property. As the petitioner failed to establish any right in the property which requires effective and complete adjudication, he cannot be added as 7<sup>th</sup> defendant. As there is no specific prayer is claimed against the petitioner, the 1<sup>st</sup> respondent/plaintiff cannot be compelled to fight against the petitioner.

8. Keeping the above discussion in mind, this court is inclined to dismiss the application.

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

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 6<sup>th</sup> day of April 2026.

Additional District & Sessions Judge  
Chengalpattu.

Both sides Exhibits and Witnesses: Nil

Additional District & Sessions Judge  
Chengalpattu.

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**Draft/Fair Order**  
**I.A.No.5/2025 in**  
**O.S.No.260/2014**  
**Dated:06.04.2026**  
**ADJ/CPT**  
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