

**IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.**

**PRESENT: Tmt.K.S.Shabeena, B.A., B.L.**  
Subordinate Judge, Sathyamangalam.

Tuesday, the 27<sup>th</sup> day of January 2026  
(2056 Thiruvalluvarandu Visuvavasu varudam Thai Thingal 13<sup>th</sup> day)

**I.A.No.3/2023 in**  
**O.S.No.86 of 2021**

1. T.Thirumalaisamy  
2. N.Sivanappan ... Petitioners/Plaintiffs

//Vs//

1. M.Santhi  
2. N.Nithya ... 1, 2 respondents/Defendants

3. The Sub Registrar,  
Sathyamangalam. ... 3<sup>rd</sup> Respondent/  
Proposed 3<sup>rd</sup> Defendant

This petition came up for final hearing before me on 27.01.2026 in the presence of Thiru.S.K.Sivakumar, Advocate for the Petitioner and Thiru.R.Masilamani, Advocate for the 1<sup>st</sup> and 2<sup>nd</sup> respondents and Government Pleader, Advocate for the 3<sup>rd</sup> respondent and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

## **ORDER**

This petition has been filed under Order 1 Rule 10 of the Code of Civil Procedure by the petitioner/plaintiff seeking to implead the Sub-Registrar, Sathyamangalam, as a necessary party in the present suit.

### **2. Gist of the Petition:**

1. The petitioner has filed an application under Order I, Rule 10 of the Civil Procedure Code, seeking to implead the Sub-Registrar, Sathyamangalam, as a necessary party in the present suit. The suit itself is for declaration and permanent injunction filed by the petitioner against the first and second respondents concerning the suit property. The petitioner contends that the suit property originally belonged to the first and second respondents by virtue of a will dated 25.09.2020, and that they have been in possession since that date.

2. It is alleged that the first and second respondents concealed the existence of the will and executed a partition deed dated 18.07.2022, which was subsequently recorded in the encumbrance certificate maintained by the Sub-Registrar, notwithstanding prior objections submitted by the petitioners. The petitioner submits that the acts of the Sub-Registrar in recording endorsements without taking the objections into account may affect the rights claimed in the suit for declaration and injunction. Accordingly, the petitioner seeks to implead the Sub-Registrar as a necessary party to ensure that a complete and effective decree can be passed.

### **3. Gist of the Counter statement filed by 1<sup>st</sup> and 2<sup>nd</sup> Respondents:**

The 1<sup>st</sup> and 2<sup>nd</sup> respondents have filed a counterstatement, denying the allegations made in the petition. They contend that the proposed third respondent, the Sub-Registrar, is not a necessary party to the suit, as the petitioners have not sought any relief directly against him. In particular, the petitioners have not sought any declaration regarding the validity of the will dated 25.09.2020, nor any declaration or injunction against the registration of the partition deed or other documents by the Sub-Registrar. It is, therefore, submitted that the petition under Order I, Rule 10 CPC is not maintainable and is liable to be dismissed. It is noted that the Sub-Registrar appeared through the Court but did not file any counterstatement and was set ex parte.

### **4. Point for Determination:**

1. Whether the Sub-Registrar, Sathyamangalam, is a necessary party for the adjudication of the suit for declaration and permanent injunction, and if so, whether he ought to be impleaded under Order I, Rule 10 CPC.

### **5. Discussion:**

**5.1.** Order I, Rule 10 CPC allows the Court to add parties whose presence is necessary for the effective adjudication of the suit or to prevent multiplicity of proceedings. The principle is that a party is necessary if a decree cannot be effectively passed in their absence.

**5.2.** In the present case, the main suit seeks a declaration of rights over the suit property and an injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> respondents from interfering with the petitioner's claimed rights. The petitioner seeks to implead the Sub-Registrar solely on the ground that certain transactions, including a partition deed executed by the first and second respondents, were registered in the encumbrance certificate despite prior objections submitted by the petitioner.

**5.3.** It is well-settled that a Sub-Registrar performs duties in a statutory capacity under the Registration Act, and the validity of documents registered by him is not ordinarily in dispute between private parties unless the relief sought directly challenges such registration. In this case, the petitioners have not prayed for any declaration or injunction against the Sub-Registrar, nor have they challenged the legality of the registration of any document. The objections submitted by the petitioners do not, in themselves, create a cause of action against the Sub-Registrar.

**5.4.** The decree sought in the main suit for declaration and permanent injunction can be fully and effectively passed between the petitioner and the 1<sup>st</sup> and 2<sup>nd</sup> respondents without the presence of the Sub-Registrar. Therefore, he does not satisfy the criteria of a necessary party under Order I, Rule 10 CPC. In view of the foregoing, the petitioner has failed to establish that the Sub-Registrar, Sathyamangalam, is a necessary party to the suit for declaration and permanent injunction.

## **6. Resut:**

**1. In the result,** the application under Order I, Rule 10 CPC for impleadment of the Sub-Registrar is dismissed.

2. No costs.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 27<sup>th</sup> day of January 2026.

Subordinate Judge,  
Sathyamangalam.

**Petitioner's side witnesses and documents:** Nil  
**Respondent's side witnesses documents:-** Nil

Subordinate Judge,  
Sathyamangalam.