

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

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

Tuesday, the 09th day of December 2025
(2056 Thiruvalluvarandu Visuvavasu varudam Karthigai Thingal 23rd day)

I.A.No.7/2024 in
OS.No.134 of 2020

Sambal Petitioner/Defendant

Vs

Kannammal Respondent/Plaintiff

R.Velusamy Respondent/3rd party

This petition came up for final hearing before me on 01.12.2025 in the presence of Thiru.M.Kandhasamy, Advocate and Selvi.S.R.Jayanthi Krishna, Advocate for the Petitioner and for Thiru.K.Thangarajan, Advocate for the 1st Respondent and Thiru.V.Prasath, Advocate for the 2nd 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 is an application filed by the petitioner under Order 1 Rule 10(2) of the Code of Civil Procedure, 1908, seeking an order to implead the proposed party Velusamy as the 2nd respondent (2nd defendant) in the Original Suit.

2. Gist of the Petition:

The petitioner seeks to be permitted to implead [Respondent 2] as the second defendant in the original suit on the ground that the respondent is a material and necessary party. It is contended that the 2nd respondent is closely related to the 1st respondent, being the brother-in-law of the 1st respondent, and was allegedly involved in the financial transactions and documents which form the subject matter of the original suit. The petitioner further contends that the 1st respondent, after receiving repayment of a loan amount of Rs.30,000/-, has filed a fraudulent promissory note suit through the 2nd respondent, and therefore the 2nd respondent's presence is essential for the proper adjudication of the original suit to prevent multiplicity of litigation and to safeguard the petitioner from irreparable prejudice.

3. Gist of the Counter:

The respondents, including the proposed 2nd defendant, strongly oppose the petition. The allegations made in the petition are false, and not supported by any documentary evidence. The 1st respondent asserts that the loan transaction and repayment were between the petitioner and himself, and there is no cause of action proposed 2nd respondent. The impleading the 2nd respondent is unnecessary as he is not an essential party to the original suit. The petition is alleged to be an attempt to delay the proceedings and harass the respondents.

4. Point for Determination:

Whether the proposed second respondent is a necessary party to the original suit under Order 1 Rule 10(2) of the CPC?

5. Discussion

5.1. Examination of the materials on record shows that the original suit pertains to a promissory note filed by the 1st respondent against the petitioner. The petitioner claims that the 2nd respondent has been used by the 1st respondent to initiate a separate action, allegedly to defraud the petitioner of his property and money. However, no cogent material or documentary evidence has been produced by the petitioner to establish that the 2nd respondent had any independent cause of action or is necessary for the adjudication of the original suit. Mere familial connection or the fact that the 2nd respondent may have been aware of the transactions does not render him an indispensable party.

5.2. The petitioner alleges that the 1st respondent utilized the 2nd respondent to perpetrate fraud. However, such contentions remain unsubstantiated. The proposed 2nd respondent has neither executed the promissory note nor is he shown to have received any money in the transactions forming the subject matter of the original suit. The allegations appear to be speculative and intended to introduce additional parties unnecessarily into the suit.

5.3. Order 1 Rule 10(2) of the Code of Civil Procedure allows a court to add a person as a party if such person is “necessary” for the effective and complete adjudication of the matter. The test for necessity is whether the absence of the party would prevent the court from effectively granting relief or would result in multiple proceedings over the same cause of action. The rule does not extend to adding

persons who are merely related to the parties or who have no direct legal interest in the subject matter.

5.4. Judicial precedents consistently hold that:

- A party is “necessary” only if the suit cannot be effectively decided without his presence.
- Mere suspicion, apprehension of future claims, or family relationship is insufficient to render a party necessary.
- Addition of unnecessary parties, particularly for speculative reasons, amounts to an abuse of process of law and can delay the proceedings.

5.5. The petitioner argues that without impleadment, there could be multiplicity of litigation or irreparable loss. However, Order 1 Rule 10(2) does not empower a court to add a party simply to preclude hypothetical claims. There is no material on record to show that the petitioner’s interest cannot be protected in the absence of the proposed 2nd respondent. The relief claimed by the petitioner in the original suit can be adjudicated effectively between the original parties without impleadment

5.6. The respondents’ objection that the petition is intended to delay the proceedings is well founded. The petition reiterates allegations already addressed in the original suit, and seeks to introduce a third party without substantive justification. Allowing such impleadment would result in procedural complications and delay the adjudication of the suit, contrary to the object and purpose of O.1 R.10(2) CPC.

5.7. Allowing the impleadment without clear necessity could delay the proceedings and complicate the adjudication. Order 1 Rule 10(2) of CPC allows addition of

parties only if it is necessary for effective relief. The present petition does not demonstrate such necessity.

6. Conclusion:

In view of the above, it is held that:

1. The proposed 2nd respondent is not a necessary party to the original suit.
2. The petition filed under Order 1 Rule 10(2) CPC is benefit of merit.

7. RESULT:

1. **In the result**, the petition is dismissed with costs.
2. The petitioner shall bear the costs of the respondents for opposing the petition.

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 09th day of December 2025.

Subordinate Judge,
Sathyamangalam.

Petitioners' side Witness and documents : Nil
Respondent's side Witness and document : Nil

Subordinate Judge,
Sathyamangalam.