

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Tmt. M.Alima, B.A., L.L.M.,
II Additional District Munsif, Nagercoil.(FAC)

Wednesday, on this the 8th day of January, 2025

I.A. No.5/2024
in
O.S.No.208 of 2007

T. Sudalaiyandi Pillai

... Petitioner/Plaintiff

-Vs-

1. S. Krishnapillai

2. K. Thanupillai

3. O. Iyyappan

4. S. Rajagopal

5. A. Chellappan

6. Arulmigu Kulasekara Nangai

Kulasekarapuram Oor Vellalar

Community Administrative Trust Rep. by the

Principal Trustee, C. Kolappapillai.

8. M. Chithambaram Pillai

9. O. Sudalaiyandi

10.V. Sivaraman

Addl. 11. Dr. K. Arumugaperumal

Addl. 12. M. Subramaniyan

Addl. 13. B. Somasundar

Addl. 14. Mailerum Perumal

Addl. 15. S. Iyyappan

... Respondents/Defendants

This Petition having come before me on 03.01.2025 for hearing in the presence of Mr. T.K.S. Manian, Learned Counsel for the Petitioners and in the Presence of Mr. Eswarapillai, Learned Counsel for the 1 to 3 Respondents and in the Presence of Mr.K. Subhakaravel, Learned Counsel for the 4 to 15 Respondents, endorsed 'no counter' and upon hearing both sides and upon perusing the case records and having stood over for consideration, till this day, this Court delivers the following:

ORDER

The petitioner had filed the above petition under Order 1 Rule 10(2) and Section 151 of the Code of Civil Procedure, seeking to implead the additional defendants 11 to 15 in the above suit and thus render justice.

2) Gist of Averments in the Petitioners Petition:

The petitioner is the Plaintiff in this case. The petitioner respectfully submitted, the defendants counsel filed a memo before this court stating that newly administrators of Arulmigu Kulasekarapuram Nangal Amman Koil trust has selected. The petitioner respectfully submitted, in view of the memo filed by the counsel who is appearing for the defendants 6 to 10, the petitioner filed this petition to implead the additional proposed defendants 11 to 15 in the above suit. Hence, this petition is to be allowed.

3) The Respondents counsel endorsed “ No Counter ” in this petition.

4) The point for consideration is whether the above petition has to be allowed or not?

5) Heard the petitioner side. Records perused. In this petition, the petitioner stated that at the time of filing the suit, granting for permanent injunction restraining the defendants, their men or anybody claiming through him from evicting the plaintiff forcibly from the plaint schedule property. The defendants counsel filed a memo before this court stating that newly administrators of Arulmigu Kulasekarapuram Nangal Amman Koil trust has selected.

6) The Respondents counsel endorsed “ No Counter ” in this petition.

7) In these circumstances, this court has concluded that, in order to come to a proper conclusion regarding the suit issue, newly administrators of Arulmigu Kulasekarapuram Nangal Amman Koil trust has selected is a necessary party in this suit. Moreover, if this petition is allowed, no prejudice will be caused to the respondents. Hence, to avoid multiplicity of proceedings and to provide one more opportunity to the petitioner to continue the suit and for proper adjudication in the interest of justice, this court is inclined to allow these petitions. Hence, this petition is allowed.

8) As a result, this petition is allowed, without cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 08th day of January, 2025.

II Additional District Munsif (FAC),
Nagercoil.

List of witness and documents for Petitioner side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif (FAC),
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair common Order
I.A.No. 5/2024 &
in
O.S.No.208/2007
Date: 08.01.2025.*