

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

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Tuesday, on the 24th day of June, 2025.

I.A.No.4 of 2024 in O.S. No.50 of 2023

CNR No.TNKK04-000095-2023

Ayyathurai ... Petitioner / Plaintiff

-Vs-

1. Madhusoothana Perumal

2. Paramachandran

3. Sree Padmanabhan

4. Kavitha

5. Pushpam

6. Sri Nivanesh ... Respondents / Defendants /
Proposed party/Addl.6th defendant

This petition came up before this court on 20.06.2025 for a final hearing in the presence of Mr. K. Murugesan, Learned Counsel for the Petitioner / Plaintiff and Mr. A. Sahaya Arasu, Learned Counsel for the 1st and 2nd respondents / 1st and 2nd defendants and Mr. A. Paul Raj, Learned Counsel for the 3rd and 5th respondents / 3rd and 5th defendants, counter not filed, set exparte and Mrs. T. Shenbaga Valli, Learned Counsel for the 6th respondent / proposed party / addl. 6th defendant and 4th respondent / 4th defendant was set exparte in

the suit and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner had filed under Order 1 Rule 10(2) and Section 151 of the Code of Civil Procedure, seeking to implead the person as sought for hereunder and thus render justice.

2. Gist of Averments in the Petitioner Petition :

The Petitioner is the plaintiff in the original suit. The petitioner stated that the original suit is for easementary right, of pathway, Permanent Injunction and Mandatory injunction against the respondents / defendants. The petitioner that during the pendency of suit, it has come to the notice of this petitioner / plaintiff that the 1st respondent Madusoodana Perumal executed a settlement deed to his son Sri Nivanesh before Rajakkamangalam Sub Register Office vide document No.4781//2023 dated 27.12.2023. The petitioner submit that aforesaid 1st respondent's son Sri Nivenesh to be impleaded and in his absence, there cannot be proper and complete adjudication of this case. The petitioner submit that nature of the suit will not change if the petition is allowed. Unless this petition is allowed, petitioner will be put to irreparable loss and hardships. Hence, the petition is to be allowed.

3. **Gist of Averments in the 1st, 2nd and 6th Respondents counter are one and the same those averments in brief:**

The 1st and 2nd Respondents have filed counter stating that the petition are denied as false except those which are specifically admitted herein. It is admitted that during the pendency of the suit, the 1st defendant in the main suit executed a settlement deed to his son Sri Nivanesh before the Rajakkamangalam Sub Register Office vide Doc.No.4781/2023 dated on 27.12.2023. The 1st defendant transfer the suit property not to a third person. He transfers his property only to his son. Moreover, the petitioner/plaintiff namely, Ayyathurai executed a settlement deed and transfers the suit property to his daughter Sri Sharmi before the Rajakkamangalam Sub Register Office vide Doc.No.3337/2024 dated on 05.09.2024. He also transfer the suit property to his daughter during the pendency of the suit. Hence to accept the counter and dismissed the petition.

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

5. Point:

Heard both sides. Records perused. The petitioner has instituted a suit seeking an easementary right of pathway, along with reliefs of Permanent and Mandatory injunction against the respondents/defendants. During the pendency

of the suit, it came to the notice of the petitioner that the 1st respondent, Madusoodana Perumal has executed a settlement deed in favour of his son, Sri Nivanesh, which was registered before the Rajakkamangalam Sub-Registrar Office as Document No.4781/2023 dated 27.12.2023. The execution of this settlement deed has a direct bearing on the subject matter of the suit. Therefore, in order to ensure complete and effective adjudication, it is necessary to implead Sri Nivanesh as a party to the proceedings. Notably, the respondents themselves have admitted in their counter that the said settlement deed was executed during the pendency of the suit. Hence, allowing the petition to implead Sri Nivanesh is essential to avoid multiplicity of proceedings and to secure a just and binding resolution of the dispute. In the light of above facts, this court is inclined to allow this petition.

As a result, This petition is allowed, No cost.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open court this the 24th day of June, 2025.

II Additional District Munsif
Nagercoil.

List of witness and documents for Petitioner side : Nil

List of witness and documents for Respondents side : Nil

II Additional District Munsif
Nagercoil.

*II ADM, Nagercoil.
Draft/Fair Order
I.A.No.4/2024 in
O.S.No.50/2023
Date: 24.06.2025.*