

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL**

Present: **Thiru. R.Sundara Kamesh Marthandan, M.L.,**
Principal District Munsif, (FAC) Nagercoil.

Monday, on this the 10th day of April 2023

I.A. No.2 of 2019

in

O.S. No. 223 of 2018

Pugazh Veerapandian

... Petitioner/Plaintiff

-Vs-

1. N. Subramonian

2. R. Chellapandian

3. N. Rama Prakash

4. B. Bala Murugan

5. J. Rajeshwari

... Respondents/Defendants

This Petition came up before me on 16.11.2022 for final hearing in the presence of Mr. A.Ravindran, Advocate for the Petitioner/Plaintiff and Mr. A.Subramanian, Advocate for the 1st Respondent/Defendant and Mr.Arumuga Sigamony, Advocate for the Respondents/Defendants 2 to 4, and upon hearing the Petitioner's and Respondent's Counsel and upon perusing the case records and having stood over for consideration till this day, this Court hereby delivers the following:

ORDER

1. The Petitioner has filed the above petition under Order I Rule 10(2) and

Section 151 CPC, seeking an order to implead the additional proposed defendants 6, 7, 8, 9 in the suit.

2. In the affidavit filed in support of the above Petition, the petitioner had stated that he had filed the above suit for declaration of title and for recovery of possession from the 1st defendant and for other relief. Further the party array, at the southern side of the plaint schedule property, the property of Nadachi Thangam is situated and on the Western side of plaint schedule property, the property of Chella Pandian is situated. On the Western side, the property of Ramaswamy which was transferred to Thanga Nadachi by way of inheritance is situated. In order to make proper adjudication in the suit, the said Thanga Nadachi and Anna Sreemathi are necessary parties to be impleaded. Hence the above petition.

3. The 1st respondent his counter had stated that in the affidavit filed in support of the above petition, the petitioner had stated that one Thanga Nadachi and Anna Sreemathi are alone necessary parties. However in the petition prayer he had sought for impleading defendants 6, 7, 8, 9, as additional defendants. There is contradiction between the affidavit and the petition. There is no averment made in the affidavit regarding the said Anna Sreemathi and what for she has to be made as party to the above suit.

4. Further the proposed 7th defendant Chandrasekar S/o. Rajendran had died 8 months prior to the petition. As such the death person could not be made as party to the suit. Further the said Thanganadachi, who is sought to be

impleaded as 6th defendant is Mentally retarded. As such she could not be impleaded as party. The Proposed 9th defendant name is not mentioned in the Petition, only her husband name is mentioned in the above petition. There is no merit in the above petition, the same is liable for to be dismissed.

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

6. The petitioner had pleaded that he had filed the above suit for declaration and for recovery of possession from the 1st defendant. Now that the petitioner wants to implead four more defendants, however except by saying that one person by name Thanganadachi owns property on the southern and western side of Plaint Schedule Property, the petitioner had not stated any reason or any necessity for impleading the proposed defendants, in the above suit. As rightly contended by the respondent, even the name of the 9th proposed defendant is not mentioned in the petition. The petitioner had stated in his affidavit as if the said Thanga Nadachi and Anna Sreemathi has to be impleaded. However in the petition, it has been mentioned as is four persons have to be impleaded. The above Petition is filed in a callous manner, without pleading any valid reasons for filing the above petition. Hence the petitioner is not entitled for the relief sought for.

In the result the petition had dismissed. The petitioner shall pay cost of Rs.1000/- (Rupees One Thousand Only) to the 1st respondent.

Dictated to the Steno typist, and typed by her, directly in Computer

corrected and pronounced by me in Open Court this, the 10th day of April, 2023.

Principal District Munsif, (FAC)
Nagercoil.

Petitioner side witnesses and documents :- Nil

Respondents side witnesses and Documents :- Nil

Principal District Munsif, (FAC)
Nagercoil.

Fair/ Draft Order
I.A.No.2 of 2019
in
O.S. No.223 of 2018
Date: 10.04.2023.
PDM, Nagercoil.