

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF
PADMANABHAPURAM.

Present: Tmt: S. Immaculate Buddha B.Sc., L.L.M,
Additional District Munsif,

Wednesday, the 08th day of October 2025

I.A No.04 of 2025
in
O.S No.56 of 2025

1. Harikumar

... Petitioner/Plaintiff

/ Vs. /

1. Sree kandan Nair

2. Reshmi

3. The Deputy Superintendent of Police, Thuckalay,
Kalkulam Taluk, Kanyakumari District.
(Proposed 3rd defendant)

4. The Taluk Surveyor, Thiruvattar,
Thiruvattar Taluk, Kanyakumari District.
Proposed 4th defendant)

...Respondents/Defendants

This petition is coming before me for final hearing in the presence of
Mr. R.M. Prabin, learned counsel for the petitioner/Plaintiff and
Mr. Jegadev, learned counsel for the Respondents R1 and R2 and
Mr. Jeba John (Government Pleader), learned counsel for the Respondents R3
and R4. Upon hearing the counsel on both side and on perusal of the records
stood over for consideration till this day, this court delivers the following :-

ORDER

This petition is filed under Order I Rule 10 and under Section 151 of the Code of Civil Procedure to implead/ Add the proposed parties in this suit.

2. THE AVERMENTS IN THE PETITION IN BRIEF :-

i) The petitioner and 1st Respondent are brothers. 1st respondent is the elder brother of the petitioner. The 2nd respondent is 1st respondent's daughter. The Petitioner is the title holder of the plaint schedule property by virtue of the settlement deed bearing No: 540/1999 of Verkilambi Sub Registrar's Office dated 31.03.1999. Based on the petitioner's ownership, possession and enjoyment the Government issued patta in favour of the petitioner and he is paying land tax. The petitioner and his family residing in the house having door number 03/117/3 of Verkilambi Panchayath situated in the plaint schedule property.

ii) The petitioner respectfully submits that the defendants have no right, interest, possession and enjoyment over the plaint schedule property. Several times the respondents and their men illegally attempted to trespass, interfere and disturb the peaceful possession. On 23.05.2025, the 1st respondent and their men threatened the plaintiff and attempted to trespass and commit act of waste in the plaint schedule property. In this circumstance, along

with the plaint, the petitioner filed a petition seeking ad- interim Injunction restraining the defendants or their men or agents from trespassing or interfering or committing act of waste in the plaint schedule property.

iii) In the meantime, based on the instruction through the petitioner's mobile phone on 06.06.2025, he appeared for an enquiry before the Deputy Superintendent of Police, Thuckalay on 09.06.2025. When he appeared before the said officer, the 1st respondent was also appeared there. The Deputy Superintendent of Police, Thuckalay enquired him about the civil dispute with the defendants without disclosing or supplying any complaint copy if any preferred by the defendants.

iv) When he informed about the pendency of this suit, the Deputy Superintendent of Police, Thuckalay instructed him to obtain interim injunction order as earlier against the respondents otherwise he directly come to the spot/ plaint schedule property for the defendant and measure it with the Taluk Surveyor, Thiruvattar Taluk. It seems that the Deputy Superintendent of Police, Thuckalay is very much interested in this civil dispute for the reasons only known to him and in this circumstance, the proposed parties may be arrayed as defendants in this suit. Hence, this petition.

3. THE AVERMENTS IN THE COUNTER FILED BY THE 1st AND 2nd RESPONDENTS /DEFENDANTS IN BRIEF :-

i) The petition as if framed itself is not maintainable under law and facts. The contents in the written statement filed by the defendants may be considered as the part and parcel of this counter. This suit is based on a property issue. Nothing happened as alleged in the affidavit. Moreover there are no serious or harmful allegations against the proposed parties. The provisions of law to implead the Government officials were not properly complied with. There is no cause of action against these proposed parties. No relief may be sought against the proposed parties in the property dispute.

ii) The proposed parties are nothing to do with the suit property. Hence they are neither necessary parties nor proper parties. If they are not arrayed as parties, no prejudice will be caused to the petitioner. Moreover the proposed parties are no way connected to the subject matter of the suit. It is further submitted that without the proposed parties, this Honourable Court may decide the suit on merits. The petitioner filed this petition to drag on the proceedings of the suit. Hence, this petition is liable to be dismissed.

4. THE AVERMENTS IN THE COUNTER FILED BY THE 3rd AND 4th RESPONDENTS /DEFENDANTS IN BRIEF :-

The petition is not maintainable under facts and law. The 3rd and 4th respondents are not necessary for the adjudication of the suit. They are also not proper parties and this petition is filed wantonly to implead the proposed respondents. No relief was sought against the proposed respondents in the suit. Hence, this petition is liable to be dismissed.

4. POINTS FOR DETERMINATION :-

Whether the Petitioner/ Plaintiff is entitled to the relief as prayed for or not?

5. DISCUSSION AND ANALYSIS :-

Heard both side learned counsel. Documents were perused carefully.

i) The petitioner filed this petition to implead the proposed parties. The respondents countered that the proposed parties are not connected to the subject matter of the suit.

ii) The petitioner filed the suit for a permanent injunction against the respondents on 02.06.2025. On 06.06.2025, the petitioner received information to appear before the Deputy Superintendent of Police, Thuckalay, for an inquiry.

The petitioner appeared before the DSP on 09.06.2025. The DSP inquired about this civil dispute and instructed the petitioner to obtain an interim injunction order against the defendants, otherwise, he would visit the spot to measure the plaint schedule property with the help of the Taluk Surveyor.

iii) Due to the DSP's inquiry and instructions, the petitioner seeks to array him and the Taluk Surveyor, Thiruvattar Taluk, as proposed 3rd and 4th defendants, under Order I Rule 10 of CPC, as their presence may be necessary for the court to adjudicate upon and settle all questions involved in the suit. However, the proposed additional defendants are not necessary parties to resolve all disputes in this suit. If the DSP wants to favour the respondents, then why did he instruct the petitioner to obtain an interim injunction order?. So, it is not necessary to add him as a party to the suit; likewise, the Taluk Surveyor is also not necessary. Hence, this court is not inclined to allow this petition.

6. DECISION:

In the result, this petition is dismissed. No Cost.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in open court, on this 08th day of October 2025.

Additional District Munsif,
Padmanabhapuram.

Petitioner side documents and evidence :-

- Nil -

Respondent side documents and evidence :-

- Nil -

Additional District Munsif,
Padmanabhapuram.

ADMC, Padmanabhapuram.
I.A.No. 04/2025 in O.S.No.56/2025
Draft/Fair Order:
Dt: 08.10.2025.