

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

Present: **Thiru. M. Senthil Kumar, B.A.,B.L.,**

District Munsif, Eraniel.

Monday the 9th day of August 2021

I.A.No.1/2019

IN

O.S. No.138/2012

K. Selvarajamony

.... Petitioner

Vs.

1. P. Ramesh

2. P. Chellathurai

..... Respondents / Plaintiffs 1 and 2

3. The president

4. The District Collector

..... Respondent 3 and 4 /
Defendant 1 and 2

I.A.No.2/2019

IN

O.S. No.138/2012

S. Subramanian

.... Petitioner

Vs.

1. P. Ramesh

2. P. Chellathurai

..... Respondents / Plaintiffs 1 and 2

3. The president

4. The District Collector

..... Respondent 3 and 4 /

Defendant 1 and 2

5. K. Selvarajamony

..... Respondent - 5 / Defendant 4

Sri. Adv. Mr. John Soundhar, For the Petitioner

Sri. Adv. Mr. C. Selva Kumar, For the R1 and R2

This petition is coming before me for final hearing on 04.08.2021 and upon hearing the arguments on both side and having stood over for consideration till this day, this court delivered the following order :

COMMON ORDER

1. I.A.No.1/2019 is the petitioner under Order 1 Rule 10(2) of CPC. But Selvarajamony praying to be impleaded as 3rd defendant in the main suit for proper adjudication of the suit.

2. The Averments of the petition in brief :

The petitioner states that he is a resident of Cheruppancode hamlet which is situated in Nettancode village Panchayath moreover the said Cheruppancode hamlet has been divided into two parts owing to the bifurcation effected for the formation of water channel. It is also contented by the petitioner the hamlet consists of 2 to 3 Hindu temples which are managed by village committee people where as the object of filing the suit by the respondent/plaintiff is ill-motivated without giving the actually ground reality about the suit property. The petitioner would state that he reasonably apprehends that if he is not heard then it may end in injustice which may lead to communal clashes except the plaintiff the other respondents have not filed their counter statements.

3. Counter filed by the Respondents :

The counter of the respondent/plaintiff would state that this is merely an application to drag on the proceedings, similar application has also been filed by one Subramanian of Cheruppancode village praying for impleading him as defendant in the main suit filed by the respondent/plaintiff. The counter stand taken by the plaintiff is one and the same. Hence this court is of the opinion that the common order can be passed in both I.A.No.1/2019 and I.A.No.2/2019 seeking for a relief impleading the petitioners as parties to the proceedings.

4. The learned counsel for the petitioners submits if a declaration is granted then eventually their hamlet may lose their identity because of this pending suit for the past 9 years the petitioners and the village people are not able to get proper door number to their houses respectively on the other hand the respondent learned counsel makes a stand objecting the after getting due leave under Order 1 Rule 8 of CPC the plaintiff has progressed with the suit, this applications has been filed by the petitioners at the fag end of the case there by procrastinating the proceedings some how or other. Heard the rival submissions of the learned counsels and a common Order is passed in the interlocutory applications.

5. The main subject matter of the suit is for mandatory injunction to erase the name of the word Cheruppancode south and rename it is as Nanganvilai village, though the prayer reads as mandatory injunction one way or other it is in a implied form of declaration of a particular village in a particular name removing the previous existing name in the official records. Even though main subject matter of the suit needs thorough deliberation yet a village member of the particular village whose name is to be changed has to be necessarily heard, his side of grievances when there is a change in name of the village. It directly relates to the native identity and its consequences in respect of personal identity revenue records and all relevant Government transaction in the near future. As contemplated in section 34 of the specific relief act all the parties who is rights are involved have to be made as parties when their

substantial right is affected on a decree or order passed by a competent court.

6. Result :

In the above such circumstances for proper adjudication and in the interest of justice to provide a fair opportunity to a village member whose substantial right directly involved in the suit has to be made as a party for fair adjudication. Hence the petition is allowed. No cost.

Dictated to the Steno-typist, transcribed by her, corrected and pronounced by me in open court this the 9th day of August 2021.

Sd/-
District Munsif ,
Eraniel.

1. **Plaintiff side witness** : Nil
2. **Plaintiff side Exhibits** : Nil
3. **Defendants side witness** : Nil
4. **Defendants side Exhibits** : Nil

Sd/-
D.M.

Draft/Fair Order

I.A.No.1/2019

in

I.A.No.2/2019

And

O.S.No.138/2012

D.M., Eraniel.

Dated 09.08.2021.