

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF AT
KANCHIPURAM

PRESENT: Tmt. Fanny Rajan.B.A., B.L.,(Hons)
Principal District Munsif, Kanchipuram

Monday, the 1st day of September 2025

I.A. No. 9 of 2025

in

O.S.No. 491 of 2001

CNR No.TNKP08-000011-2001

Kalakattur Yadhava Maha Sabai Sangam, presented by its President

C. Balaji, S/o. Chittibabu,

....Petitioner/Third party/ proposed 4th defendant

/Versus/

1. Thangammal (died)
2. Gnanasamandham
3. Venkatesan
4. Rabagandhi
5. Dilligandhi

.... Respondents/ Plaintiffs 1 to 5

1. Yahdavasangam Represented by its president Sri.Rajipillai
- 2.Yahdavasangam Represented by its Ex.president. Sri. Arumugam
3. Jayalakshmi

.... Respondents/Defendants 1 to 3

This Petition has come up on 21.08.2025 for final hearing before me in the presence of M/s.A. Gnanasamandham counsel for the Petitioner/3rd party/proposed 4th defendant and M/s. G.Ravikumar, counsels for the 1-5 Respondents/plaintiffs and M/s.P.K.Thevarajan, G.Pandurangan, V.Vimalanathan counsels for the 7th Respondents/ 2nd Defendants, the respondents 6 and 8/defendants 1 and 3 are already exparte in the suit, upon hearing the argument and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following orders:

ORDER

1. The petitioner filed this petition under Order I Rule 10 (2) 151 of CPC to add the president represented by Kalakattur Yadhava Mahasabai Sangam as petitioner/proposed party/4th defendant in the above suit and thus render justice.
2. Upon perusal of records, the short cause title has 1, 2, 3 serial numbers for the respondents/plaintiffs as well as defendants mentioned. However, the long cause title is clear. This court finds that the deponent in the counter is the 2nd defendant/ 7th respondent in this interim application. The designation of the 2nd respondent/defendant though wrongly stated in the counter affidavit, there is no question of ambiguity that he is the 7th respondent.

Hence, in the interest of justice, this court finds that the technicality in mentioning the wrong designation shall be overlooked considering the long pendency of this petition and taken up for consideration on merits.

Concise Statement of the averments in the affidavit filed by the Petitioner:-

3. The petitioner has averred that the president of the Kalakattur yadhava mahasabai sangam is the functioning President and entitled to file this petition as per the bye law No.8. The sangam is functioning as a registered sangam in Serial No. SRG/Kanchipuram/37/2024. The suit was filed against the earlier Yadhava Sangam which is not functioning for the past 20 years. The defendants arrayed in this suit are not holding the post of President and Secretary and not entitled to continue in light of the decree and judgment of the O.S.No.370/2021 and A.S.No.21/2012 filed by the Jayalakshmi ammal against the Yadhava sangam and have no locus standi.
4. The petitioner have decided to propose a compromise with the plaintiff to make a amicable settlement by accepting the earlier decree and judgment in O.S.No. 370/2021, in A.S.No.21/2012 by measuring the suit property with the available total extent of 5776 sq.ft and to divide the same as per the suit in O.S 370 of 2021, in A.S.No.21/2012 and also measuring the suit

property with the help of Walajabad Taluk Surveyor help of Walajabad Taluk. Hence this petition.

Concise Statement of the averments of the Counter filed by 2nd

Respondents/Defendants:-

5. The 7th Respondent/2nd defendant has denied the averments and averred that the suit filed in the year of 2001 after the 24 years the petitioner filed this petition. It has not been clearly stated why the “Kalattattur Yadava Mahasabai sangam” has been newly formed at present. The petitioner has not clearly explained why this petition has been filed today, nor is it known in what way he will be of assistance in this case. Moreover, in this petition, one Mr. C. Perumal, Treasurer of the Kalakkattur Yadava Mahasabai Sangam, has already appeared in court as a witness (PW2) on behalf of the plaintiff. In such circumstances, the filing of this petition appears suspicious.
6. That the case has been ongoing since 2001. The property involved in the case was purchased through the Yadava Sangam, and at the time of purchase, the second respondent was acting as the representative of the Sangam and bought the property on its behalf. In that situation, it is unclear why another Sangam has now been created against the original Sangam. If a

new Sangam has been formed against an organization that has been functioning without any problem for the past 24 years, it raises suspicion. Furthermore, it is improper for another Sangam to make decisions regarding property belonging to the Sangam when the second respondent is involved.

7. Every month the 2nd Respondent sangam meeting was held, but due to out of station of some members the Sangam was not renewed. But till date sangam members meet in the village and they are also involved in this case. Hence, without any reasons this petition is filed its not maintainable. Hence, the petition is liable to be dismissed.
8. Upon perusal of records it is noted that the Respondents 1 to 5/Plaintiffs have endorsed no counter. Whereas, the respondents 6 and 8/defendants 1 and 3 have already been set exparte in the suit and the notice is dispensed with.
9. **POINT FOR CONSIDERATION**: Whether this petition to add the president represented by Kalakattur Yadhava Mahasabai Sangam as petitioner/proposed party/4th defendant in the above suit has to be allowed or not?

REASONS AND FINDINGS:

10. This Court considers the submissions of the Learned counsels for the Petitioner and the contesting 7th Respondent and perused the materials on record. No oral or documentary evidence is let in on the side of both parties.
11. Upon perusal of records, it is noted that the instant suit is filed by the Plaintiffs against the Defendants 1 to 3 seeking for declaration of title and consequential injunction. The suit is taken on file on 03.10.2001. The Plaintiff evidence was closed, the DW1 was closed and posted for further defendant evidence. At that stage petition in IA.No.7 of 2024 was filed for amendment and allowed. Accordingly, the amendment was carried out, at this stage this petition is filed to implead the petitioner herein.
12. This court finds that the earlier sangam has now been merged and functioning in the name of the Petitioner Sangam. Hence, the contesting defendant has no authority or locus standi to represent the earlier sangam. To protect the interest of the sangam and to arrive at an amicable settlement in terms of the Judgment and Decree in O.S 370 of 2021, in A.S.No.21/2012, they should be impleaded.
13. Per contra, the contesting 7th respondent denied the authority of the Petitioner over the suit property and also alleged that the PW2, the

Treasurer of this Petitioner sangam had already deposed on behalf of the Plaintiff. Also their sangam purchased the property and still in force conducting meetings. The Petitioner is not in any manner related to the suit property or represent the sangam.

14. This court finds that though the Petitioner has specifically pleaded that the Kalakattur yadhava mahasabai sangam is functioning and registered. Even as per the byelaw and registration certificate filed with the vakalat, the sangam is registered only in 2024. This court finds that the locus standi of the Petitioner in the place of the 2nd defendant sangam is questioned on the basis of the decree and judgment of the O.S.No.370/2021 and A.S.No.21/2012. But the same is not filed in this petition.
15. Also, there is no single document to show that the suit property in question is vested with the Petitioner sangam herein. There is no document filed to show the inactivity of the 2nd defendant sangam, the person representing the sangam and if the 2nd defendant sangam is now the petitioner sangam. There is no single averment to clearly demonstrate what interest of the petitioner would be affected if the suit is proceeded in his absence.

16. Admittedly, the PW3 is one Mr.Perumal Son of Sadagopan and claims that the defendant sangam is not registered and defunct. Upon perusal of the member of the Petitioner Sangam as seen from the byelaw, he is a treasurer and member of this sangam as identified with his details as per his address. However, there is no single averment about the same in the petition. There is also no specific averment in the petition regarding when the petitioner sangam became aware of the suit. This court also finds that there is no document to show the right, interest of the petitioner sangam in the suit property. There is no averment regarding what prejudice would be caused to the rights of the Petitioner if not impleaded.
17. In view of the above stated, this court is of the considered view that the findings and decision in this suit will not have any direct effect to the rights and interest of the petitioner in respect of the suit property. Hence, the petitioner is not a proper and necessary party to the suit. Therefore this court finds that in the interest of justice the Petition has to be dismissed.
18. Considering the nature of averments and relief sought for, this Court finds that the parties shall bear their own costs.

RESULT :-

19. In the result, this petition is dismissed. No costs.

Dictated to the steno-typist, who directly typed the same in her Computer, corrected and pronounced by me in open court, this the 1st day of September 2025.

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM

Petitioner and defendant side witness and document : NIL

PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM