

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF, KULITHALAI

Present : Selvi.A.Yugathymariya, B.Com, L.L.B.(Hons.,)

Additional District Munsif, Kulithalai.

Dated Tuesday, the 16th day of December 2025

O.S No.190/2018 in I.A No.07/2025

A.Manoharan

...Petitioner/3rd Party

- Vs -

1) Arumugam

2) Subramani

3) Aruykkani

...Respondents/Plaintiffs

- Vs -

1) Umamaheswari

2) T.S.Kannan

3) The District Collector, Karur District.

4) The Tashildar, Kadavoor Taluk.

...Respondents/Defendants

This petition has come up before this Court for final hearing on 02.12.2025 in the presence of Mr.T.Muruganatham, the Learned Counsel appearing for the petitioner and in the presence of Mr.D.Vinoth Kumar, the Learned Counsel appearing for the Respondents No.1 to 3 and in the presence of Mr.V.G.Kamalesh, the Learned Counsel appearing for the Respondents No. 4 and 5 and in the presence of the Governement Pleader Mr.K.S.M.Sahul Hameed, the Learned Counsel appearing for the Respondents No. 6 and 7 and upon perusal of material records and having stood over for consideration till this day, this court delivers the following:

ORDER

This petition is filed by the Petitioner/3rd party under Order 1, Rule 10(2) r/w Section 151 of CPC seeking the permission of this Court to implead the Petitioner/3rd party as one of the Defendants in the above suit.

2) The Learned Counsel for the Respondents No. 4 and 5 and the Learned Government Pleader for the Respondents No. 6 and 7, have stated no counter for the Respondents No. 4 to 7.

Brief averments in the affidavit:

3) The Plaintiffs as well as the Defendants in the above suit have no sought of right, title and possession over the suit property and the above suit is filed collusively to create the record. Originally, the suit property comprised in S.F.No. 426/1 in Keelapakuthi Village, Kadavur Taluk belonged to one Thatha Pandidhar and his brother Chidambaram Pandidhar, who had jointly purchased the same under a registered sale deed dated 09.01.1951. The suit property had fallen into the share of the Chidambaram Pandidhar, who is the grand father of the Petitioner.

4) The said Chidambaram Pandidhar and Thatha Pandidhar orally partitioned their property and they have got their respective shares. The said Chidambaram Pandidhar who is the grand father of this Petitioner died leaving behind his sons namely Andiyappan, who is the father of the Petitioner herein, who has inherited his share of property. The said Andiyappan, who is the father of the Petitioner was died on 12.05.2011 leaving behind him his sons namely Murugesan, Selvam, Arumugam and Manoharan (the Petitioner herein) and daughter Lakshmi to succeed his estate. The petitioner is one of the sons of the said Andiyappan and he has got his share in the suit property measuring an extent of Acre 1.38 Cents.

5) The brothers of the Petitioner namely Murugesan and Arumugam were also died and their legal heirs are also having equal shares in the suit property and the Petitioner and the other persons are all in the possession and enjoyment of the joint family property without any division.

6) The brother of the petitioner namely Murugesan was passed away on 20.01.2015, leaving behind him his wife Santhi and sons Saravankumar and

Bharatmani to succeed his estate. The another brother of the Petitioner namely Arumugam was also died on 02.10.2014, leaving behind him his wife namely Mrs.Jeeva, to succeed his estate. Thus, the Petitioners and others are having right in the suit property in the total extent.

7) The grand father of the Petitioner namely Chidambaram Pandidhar filed a suit against the legal heirs of the Thatha pandidhar in O.S.No.517/1983 on the District Munsif Court, Kulithalai and this Court has passed the judgment in favour of the grand father of the petitioner that the property in S.F.No. 426/1 to an extent of Acre 1.38 Cents belongs to the Chidambaram Pandidhar only.

8) Meanwhile, the Plaintiffs have claimed rival title under false and fabricated documents in the form of Patta and claimed rival title over the suit property. Further, the Defendants have also got no title over the suit property and they have created some fake documents and claimed title thereby contesting the above suit in the absence of the Petitioner. In fact, the Petitioner has filed a suit for partition on the file of the Hon'ble District Judge, Karur in O.S.No. 187/2024 and the Plaintiffs and the Defendants herein are also parties to the above suit and they have appeared through their counsels and filed written statement. In these circumstances, the Petitioner is the real owner of the suit property and the Petitioner has to contest the above case as he is having title and possession over the suit property. The Petitioner will prove that neither the Plaintiffs nor the Defendants have any right and title over the suit property at any point of time. The above suit has come to the knowledge of the Petitioner only when the commissioner inspected the suit property on the petition of the Plaintiffs. Immediately this petition is been filed by the Petitioner to implead himself as one of the Defendants in the above suit for contesting the case. Hence, this petition.

Brief averments in the counter filed by the Respondents No. 1 to 3:

9) All the allegations contained in the affidavit are all false and denied. Except those allegations that are specifically admitted, all other allegations are denied and

the Petitioner/ 3rd Party is put to strict proof of them all. The Petitioner has no manner of right, title or interest over the suit property and this petition has been filed only with an utter motive to delay the proceedings in the above suit.

10) The Petitioner has not produced any valid acceptable documents to substantiate his ownership or possession over the suit property. Originally, the suit property belonged to the Plaintiff's ancestor and the continuous possession and enjoyment of the same have remained with the Plaintiffs and also with their predecessors . The Plaintiffs have filed the above suit for bare injunction on the basis of possession and enjoyment, against the Defendants for arising cause of action in their personal relieves and the same does not arise against the 3rd Party/the Petitioner herein.

11) The allegations that the Plaintiffs and the Defendants are colluded to create false documents are baseless and malicious. The Petitioner has not furnished any documentary evidence to support his vague and bald allegations. The so called partition and oral arrangement alleged by the Petitioner are denied. The Petitioner claimed that the property belonged to his grand father Chidambaram Pandidhar and that he inherited the suit property is concocted. The alleged suit in O.S.No. 517/1983 preferred by the Petitioner does not relate to the present property and cannot confer any right upon the Petitioner.

12) The petitioner's claim of possession are untenable in law and on facts. The Petitioner has not shown any document such as patta, tax receipts or any other admissible evidence to establish his possession or ownership. Mere assertion of possession cannot confer any legal right to implead himself as a Defendant in the above suit. The Petitioner's contention that he has filed another suit in O.S.No.187/2024 before the Principle District Judge, Karur, would not give him any right to interfere in this suit. The cause of action and the suit property in that case if any, are separate and the same cannot render a ground for impleading himself in the present suit.

13) The Petitioner is an utter stranger to the present dispute between the Plaintiff and the Defendants. He is neither the necessary nor the proper party for adjudication of the issues involved in this case. The impleading petition will unnecessarily complicate and delay the proceedings in the above suit. This petition is misconceived and against law. Hence, this petition is liable to be dismissed with costs.

Point for consideration:

14) Whether the Petitioner/ 3rd Party is entitled to be impleaded in the above suit as prayed for by him?

Evidence:

15) There is no oral and documentary evidence adduced on either side.

Discussion:

16) Heard both sides. Perused records. Upon perusal of records, it is seen clear that the Respondents No. 1 to 3/Plaintiffs have filed the above suit against the Defendants/Respondents No. 4 to 7 herein for the relief of Permanent Injunction in respect of the suit property in S.F.No.426/1 in Keelapakuthi Village, Kadavur Taluk. It is also seen that it is the case of the Plaintiffs in the above suit that the Plaintiffs have been in the possession and enjoyment of the suit property and it is the Defendants, who have interfered with the Plaintiffs' peaceful possession and hence, the above suit has been filed by the Plaintiffs.

17) Per contra, it is the case of the Defendants in the above suit is that the suit property absolutely belonged to Thatha Pandidhar Vakaiyara and the 2nd Defendant along with four other persons purchased the undivided share of certain extent in the suit property from the legal heirs of Thatha Pandidhar on 13.06.2011 and similarly the 1st Defendant who is the wife of the 2nd Defendant has also purchased an extent of

Acre 0.02 Cents in the suit property on 22.12.2014 from Rajamanickam Vakaiyara by way of registered sale deeds and for valuable sale consideration. The Defendants have also alleged that they have sub-divided the suit property and obtained patta in respect of the suit property for the S.F.No. 426/1A and have been in the possession and enjoyment over the same. Further, the Defendants have also contended that the property purchased by the Defendant is situated in the northern end of survey no.426/1, however the property alleged to be enjoyed by the Plaintiff is at the southern end. Moreover, the Defendants have specifically denied as to the possession of the Plaintiffs over the suit property.

18) This being so, in the above suit this Court has framed issues and the trial has commenced. This apart, the above suit has now been posted for chief continuation for PW1. Pending the same, this petition has been filed by the Petitioner/ 3rd Party to implead himself as one of the Defendants in the above suit for the purpose of contesting the case of the Plaintiffs. It is the contention of the Petitioner/ 3rd Party is that the suit property in S.F.No. 426/1 in Keelapakuthi Village, Kadavur Taluk originally belonged to Thatha Pandidhar and his grand father Chidambaram Pandidhar, who had jointly purchased the same under a registered deed dated 09.01.1951 and thereafter, upon the oral partition between the brothers, the suit property had fallen into the share of the grand father of the Petitioner, who is the Chidambaram Pandidhar.

19) This apart, the Petitioner has also alleged that after the demise of the said Chidambaram Pandidhar, the father of the Petitioner namely Andiyappan, had inherited into the suit property and after his demise, the suit property were devolved upon the legal heirs of the Andiyappan including the Petitioner and others. This being so, the Petitioner has contended that his two other brothers were also passed away leaving behind their legal heirs in order to succeed their estate. This being so, the Petitioner has alleged that the legal heirs of the said Andiyappan, including the

Petitioner himself, are the owners of the suit property and they are having right title and possession over the same.

20) This apart, the Petitioner alleged that his grand father namely Chidambaram Pandidhar had filed a suit against the legal heirs of the Thatha Pandidhar in O.S.No. 517/1983 before the District Munsif Court, Kulithalai, wherein a judgment was passed by this Court in favour of the grand father of the Petitioner that the suit property in S.F.No. 426/1 absolutely belongs to Chidambaram Pandidhar only. Further, the Petitioner alleged that he has filed a suit for partition before the Hon'ble Principle District Court, Karur in O.S.No. 187/2024 and the Plaintiffs and the Defendants in this suit are also parties to that suit and they have appeared through their counsels and filed written statement therein. Further, the Petitioner alleged that being the real owner of the suit property, he wants to contest the above suit as he is having title and possession over the same and he further denied the title and possession of the Plaintiffs and the Defendants over the suit property. Further the Petitioner has also stated that he had come to know about this suit only when the commissioner has inspected the suit property.

21) Per contra, the Respondents No. 1 to 3/Plaintiffs in their counter have vehemently objected to the facts and allegations contained in the affidavit of the Petitioner and they have also objected that the Petitioner has not produced any valid acceptable documents to substantiate his ownership and possession over the suit property. Yet another major objection that has been raised on the side of the Respondents No. 1 to 3 is that the above suit has been filed by the Respondents No. 1 to 3/Plaintiffs against the Defendants only for the relief of bare injunction on the basis of possession and enjoyment of the Plaintiff over the suit property and the cause of action for the above suit and for the above relief against the Defendants are personal and they have contended that the same does not arise against the Petitioner/ 3rd party. Therefore, the Plaintiffs/Respondents No. 1 to 3 have sought this Court to dismiss

this petition. Moreover, the Respondents No. 1 to 3 have alleged that the suit in O.S.No. 517/1983 referred by the Petitioner does not relate to the suit property and cannot confer right upon the Petitioner. They have also alleged that as the Petitioner has filed a suit in O.S.No. 187/2024 before the Principle District Judge, Karur, it does not give the Petitioner any right to interfere with in this suit, and the cause of action and the suit property in the above suit if any, are separate and no way connected to the suit property and the cause of action herein and they have alleged that the same cannot form a ground for impleading the Petitioner in the above suit.

22) Upon careful consideration of the submissions made on both sides, it is seen that along with the petition, the Petitioner/ 3rd party has also filed a registered sale deed dated 09.01.1951 which is standing in favour of the said Thatha Pandidhar and Chidambaram pandidhar. However, upon perusal of the above sale deed, it is nowhere seen that the suit property has taken place. Moreover, in the property description of the above sale deed, certain properties with their old bimash number only have been specified and however, the suit property in S.F.No. 426/1 of Keelapakuthi Village, Kadavur Taluk has not ever taken place in the above sale deed. This apart, it is also seen that the petitioner himself has claimed to be one of the legal heirs of the said Chidambaram Pandidhar and he also alleged that the suit property originally had fallen to the share of the Chidambara Pandidhar. In order to substantiate the above facts, he has neither produced any document in support of the same nor the legal heirship certificate of the said Chidambaram Pandidhar.

23) Moreover, the Petitioner has also alleged in his petition that the suit property after the demise of his grand father Chidambaram Pandidhar, was inherited by his father Andiyappan and after his father's death, the suit property were inherited by the legal heirs of the said Andiyappan. He also alleged that the legal heirs of the Andiyappan including himself and his brothers were also equally entitled to the suit property as a joint family property. However, in order to show or substantiate the

above facts, the Petitioner has not filed any supportive documents in this regard. This apart, the Petitioner has alleged that the title of the suit property vest with himself along with other legal heirs of the said Andiyappan, who is the father of the Petitioner. However, he has also not tried to file this petition on behalf of other legal heirs as well as.

24) This apart, admittedly the above suit has been filed only for the relief of bare injunction by the Plaintiffs against the Defendants in respect of the suit property. The cause of action as alleged by the Plaintiff has arisen only in respect of the acts alleged to have been done by the Defendants only. As the above suit being a bare injunction suit and the cause of action as stated by the Plaintiffs in the above suit was alleged only as against the Defendants and not against this impleading petitioner/ 3rd party, the impleading Petitioner/ 3rd party would not be necessary party to the above suit. Moreover, this Court is of the view that if at all the impleading Petitioner/ 3rd party claims rival title in respect of the suit property, he is always open to file a separate suit against the parties who are denying his title and who are disturbing his enjoyment over the property as alleged to be with him.

25) As rightly pointed out by the Respondents, the filing of a suit by the Petitioner in O.S.No. 187/2024 before the Hon'ble Principle District Judge, Karur for the relief of partition does not give the Petitioner herein any right to interfere in this suit, as the relief sought for the Plaintiffs in the suit is a personal relief claimed only as against the interference alleged to have been done by the Defendants alone and not against the Petitioner/ 3rd party. As the above suit being a bare injunction suit and not a suit for declaration of title in respect of the suit property, this Court is of the view that the impleading Petitioner/ 3rd party is noway related or connected to the above suit and he is not a necessary party to the above suit. This Court is also of the view that even in the absence of the impleading petitioner herein, the above suit can be very well adjudicated and the disputes in the above suit between the parties are personal and

they were very well adjudicated even without impleading the petitioner herein. Hence, this Court is inclined to dismiss this petition.

Result:

In result, with the above observations, this petition is dismissed. No costs.

Dictated to my steno-typist, taken down by her in short hand and typed by her in the computer, corrected by me and pronounced by me in the open court on this the 16th day of December 2025.

**Additional District Munsif,
Kulithalai.**

Petitioner side witness and document	-	Nil.
Respondents side witness and documents	-	Nil.

**Additional District Munsif,
Kulithalai.**