

**IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.**

**Present :** Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munisf, Vadipatti

**Dated this the 25<sup>th</sup> day of June 2025**

**IA. No.03 / 2024**

**In**

**O.S. No.133 /2023**

**CNR. No.TNMD190001722023**

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V. Subbaiahmaniyam,  
S/o. P.K.K. Velayutha Maniyam

**---- *Petitioner / Plaintiff***

**//Versus//**

1. S. Arun @ Antony Arulraj,  
S/o. Sevierraj
2. M. Nagalakshmi,  
W/o. Mani @ Karuppanan
3. Mani @ Karuppanan,  
S/o. Sandhanakrishnan

**---- *Respondents / Defendants***

4. Tahsildar,  
Vadipatti.
5. Block Development Officer,  
Alanganallur.
6. Police Inspector,  
Vadipatti Police Station.
7. Revenue Inspector,  
Thanciyam Firka.

8. Village Administrative Officer,  
Thanichiyam.

---- *Respondents / Proposed  
Defendants*

This petition was filed before this Court on 19.10.2024 coming before me for final hearing on 25.06.2025, Advocate Thiru. P. Sivaram appeared for Petitioner / Plaintiff. R1 to R3 set ex-parte on 18.06.2025. Learned Government Pleader appeared for R4 to R8. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

**ORDER**

1. This petition was filed under order 1 rule 10 (2) of CPC to implead the 4 to 8 respondents as a party to the main suit.

**2. *Petition averments in brief:***

The petition contention was that, the petitioner was the plaintiff in the main suit. The main suit was filed for permanent injunction against the respondents was pending for trial. Further the petitioner pleaded that, the suit property was the ancestral property originally belong to the petitioners' grandfather and the cow shed in the suit property was leased to one hariharasamy on 27.08.1998 for his cultivation work. In such circumstances, the 1<sup>st</sup> defendant disturbed the plaintiff's enjoyment in the suit property at the instigation of the 2<sup>nd</sup> and 3<sup>rd</sup> defendants with the aid of the 4 to 8 respondents. It was informed to the police on 10.10.2023 and also the petitioner filed this suit against the 1 to 3 respondents. Being so, the 1 to 3 respondents by suppressing the above facts, filed writ petition before the Hon'ble High Court in W.P. (MD) No.29101/2023 and arrayed this petitioner and the proposed 4 to 8 respondents as parties to the writ petition. Wherein the Hon'ble High Court directed the 4 to 8 respondents to monitor the proceedings of the O.S. No.133/2023 through divisional monitoring committee and also to implead themselves as parties to this main suit,

and also issue show cause notice to this petitioner by its order dated 11.12.2023. In spite of the above said order the 4 to 8 respondents did not take any steps to implead themselves as parties to this suit. Thus, the petitioner / plaintiff filed this petition, seeking leave of this court to implead the 4 to 8 respondents as parties to the main suit.

**3. Counter averments in brief:**

The 4 to 8 respondents / proposed defendants admitted the direction of the Hon'ble High Court to monitor this suit proceedings through divisional monitoring committee and denied the all other petition contentions and alleged that the petitioner was unlawfully encroached the suit property. Hence notice was issued to the petitioner to vacate the suit property in the month of September 2023. The petitioner did not vacate the suit property in spite of notice to him and filed this suit feloniously without adding this respondents as parties to this main suit. Further the said notice was issued to the petitioner only after the order passed by the Hon'ble High Court in W.P. (MD). No.29101/2023. This petition was filed only to delay the suit proceedings. Thus this petition was liable to be dismissed with costs.

**4. Point for determination : Whether this petition can be allowed?**

i. Records perused. Admittedly the main suit was filed for permanent injunction. The suit was pending for trial. The petitioner had filed this petition to implead the 4 to 8 respondents as a parties to the main suit. The petitioner's contention was that the respondents were trying to encroach the property that belong to the petitioner by attempting disturbance to the petitioners' possession in the suit property with the aid of the 4 to 8 respondents. On the other hand, the respondents challenged the petition stating that the petitioner neither willfully nor wantonly omitted to add them as parties to this suit and this present petition was filed only to delay the suit proceedings.

ii. Both side parties did not let in any evidence on their side.

iii. This petition was filed under **Order 1 rule 10(2) of C.P.C.**, the proceeding runs as follows,

*“The Court may at any stage of the proceedings, either upon (or) without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”*

Thus according to the above provision a "necessary party" is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a "necessary party" is not impleaded, the suit itself is liable to be dismissed. A "proper party" is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made.

iv. Admittedly, the petitioner filed this petition to add 4 to 8 respondents as parties to the main suit, so as to prevent the 1 to 3 respondents from encroaching the property belong to this petitioner. Further the burden is on the petitioner, to prove his case. But the petitioner did not adduce any documents to prove his contention. On the other hand the 4 to 8 respondents refused the title of the respondents and alleged that the petitioner encroached the suit property unlawfully and inspite of notice, he refused to vacate the property and filed this suit against this respondents illegally. Admittedly both parties dispute the possession and title of the suit property. No evidence was let in by both parties to show cause their case. From the above discussions, this court is of the view that allowing this petition would not cause any serious impact to the respondents to proceed with the suit proceedings, but only aid this court to decide the main suit. In view of the foregoing reasons, this court is

inclined to permit the petitioner to implead the 4 to 8 respondents as parties to this main suit.

5. ***In the result***, the petition is allowed, without cost.

*Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 25<sup>th</sup> day of June 2025.*

District Munsif,  
Vadipatti.

***Petitioner side evidence and documents : Nil***

***Respondents side evidence and documents: Nil***

District Munsif,  
Vadipatti.

DISTRICT MUNSIF COURT  
Vadipatti  
*Fair Order/~~Draft Order~~*  
*IA. No.03/2024*  
*In*  
*O.S. No.133/2023*  
**Date : 25.06.2025**