

**In the Court of District Munsif, Mudukulathur**

**Present : Ms.J.C.Aparna, B.A, L.L.B.,**

**District Munsif,**

**Mudukulathur.**

**Wednesday the 04<sup>th</sup> day of February 2026**

**I.A.No.04/2025**

**in**

**O.S.No.03/2020**

Palanisamy

..... Petitioner/Plaintiff

1. Nagaraj

2. Udhaya Kumar

3. Thangasamy

...Petitioners/ Proposed 2 to 4 Plaintiffs

/VS/

1. Muniyandi

2. Rajalakshmi

3. Rajendhiran

4. The District Collector, Ramanathapuram

5. Block Development Officer, Mudukulathur

6. Tahsildar, Mudukulathur

... Respondents/Defendants

This petition came on 04.08.2025 before this court for a final hearing in the presence of K.Alagarsamy, Learned Counsel for the Petitioner/plaintiff, Thiru.S.N.Yuvaraj Manikandan, Learned Counsel for the 1 to 3 Respondents/ 1 to 3 defendants, Thiru.G.Saravanan, Learned Government pleader for the 4 to 6 Respondents/ 4 to 6 defendants and upon hearing petitioner side enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

**ORDER**

This petition has been filed under Order 1 Rule 10 (2) of CPC to implead the petitioners as 2 to 4 plaintiffs in the main suit.

**2. The contention of the Petitioner/plaintiff in brief:-**

The 1<sup>st</sup> petitioner is the 2<sup>nd</sup> proposed plaintiff. He files the petition for himself and on behalf of the other petitioners/proposed plaintiffs. The main suit is filed by the plaintiff against the defendants for declaring the pathway in survey number 378/5 and 377/12 as a common pathway and for a consequential permanent injunction, the petitioners/proposed plaintiffs are also using the above said pathway. Hence, it is necessary to obtain relief against the defendants so they would not interfere with their peaceful possession and usage of the suit property. If the petitioners/proposed plaintiffs are not impleaded as plaintiffs they will be put to irreparable loss and hardships. Hence prays to allow the petition.

**3. Brief averments of the 1 to 3 Respondent/1 to 3 defendants in brief:**

The 1 to 3 respondents/ 1 to 2 defendants deny the averments in the petition. After seeking adjournments for over 17 hearings for arguments, this petition has been intentionally filed to drag on the proceedings. The only reason stated by the petitioners to implead them as a party in the present suit is that they are also using the suit property as a common pathway. After all the proceedings have been completed and the case was posted for arguments, The petitioner is

colluding with the plaintiff to drag on the proceedings, hence prays to dismiss the petition.

4. The 4<sup>th</sup> to 6<sup>th</sup> respondents/defendants endorsed as no counter on their side.

**5. Point for consideration:-**

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Heard petitioner side and the petition was reserved for orders by granting liberty for respondents side enquiry on or before 21.01.2026. After giving sufficient opportunities, respondents counsel did not enquire the matter. Available records perused.

**6. Answer to the Point:-**

6.1. The petitioners/proposed plaintiffs have filed this petition to implead them as plaintiffs in the present suit. The main suit is filed by the plaintiff against the defendants for declaring the pathway in survey number 378/5 and 377/12 as a common pathway and for a consequential permanent injunction. The petitioners/proposed plaintiffs state that it is necessary and lawful to implead them so as to obtain an order against the defendants so that they would not obstruct the petitioners enjoyment.

6.2. As per the averments in the petition itself it is clear that there is no cause of action for the petitioners/proposed plaintiffs against the defendants and they are stating to be impleaded only as a precaution in the event of the defendants obstructing their right of passage. The main suit is filed by the plaintiff stating that the suit property is a common pathway belonging to the government and the defendants who are third persons are obstructing their

enjoyment in the same. In that juncture the plaintiff has a specific cause of action against the defendants and he has filed the suit in such capacity. Without stating any cause of action, the petitioners/proposed plaintiffs are not a necessary party to the suit. In the case on hand, trial has been completed and the main case is posted for arguments. At this stage, without a cause of action but only as a matter of precaution, the petitioners/proposed plaintiffs are seeking to be impleaded as plaintiffs. For the matter at hand the plaint discloses a specific cause of action for the plaintiff against the defendants obstructing the plaintiff's usage of the suit pathway. No such cause of action is disclosed by the petitioners/proposed plaintiffs in the present petition. Hence in the light of the above discussions, this court comes to a conclusion that the petitioners/proposed plaintiffs are not necessary parties to the suit and this petition is dismissed. No order as to costs.

7. In the result, this petition is dismissed. No order as to costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 04<sup>th</sup> day of February 2026.

**District Munsif,  
Mudukulathur.**

**Both side witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**