

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

**Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.**

Friday, this the 17th day of October 2025

**I.A.No.3/2024
in
O.S.No.54/2023**

K. SelviPetitioner/Plaintiff.

-Vs-

1. N. Jamilatha Uzain

2. Syed DawoothRespondents/Defendants.

3. A. Jagir SharifProposed defendant.

This petition is coming before me for final hearing on 13.10.2025 in the presence of Thiru.A.E.Sivaprakasam, Advocate for the Petitioner/plaintiff and Thiru.R.Muhamad Ali, Advocate for the respondents 1 & 2/defendants 1 & 2 but the counsel for the respondents 1 & 2 endorsed as no counter and Thiru.D.Mohammed Sadhiquddin, Advocate for the 3rd respondent/proposed party and upon hearing the arguments of both side and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following:-

ORDER

The petitioner/Plaintiff has filed the application Under Order 1 Rule 10 of CPC, seeking an order to implead the proposed party as 3rd defendant in the suit.

1. The petitioner/plaintiff has filed an affidavit in support of her application stating that the above suit was filed by her against the respondents 1 & 2/ defendants for the relief of declaration of title and consequential relief of injunction and when the above suit is pending for trial, the proposed party unlawfully interfered with her possession over the suit property during the month of May 2024 with an intention to encroach some parts of the property in the western side and hence it is necessary to implead him in the suit as 3rd defendant.

2. The counsel for the respondents 1 & 2 endorsed as no counter in the application. The proposed party/3rd respondent alone has filed a counter contending that the allegations against him made by the petitioner in her affidavit are false and he is unnecessary party to the suit. The proposed party has further contended that if the petitioner wants to seek any relief against him, she has to file a fresh suit on different cause of action.

3. Point for determination is:-

Whether the application filed by the petitioner/plaintiff to implead the proposed party as 3rd defendant is deserved to be allowed?

4. Point :- a) On perusal of records, it is seen that the petitioner/plaintiff has filed the above suit against the respondents 1 & 2 for the relief of Declaration of title and Permanent Injunction in respect of suit 'A' schedule property and also prayed the relief of declaration of title and recovery of possession in respect of suit 'B' schedule property. The suit 'A' schedule property is situated in S.No.207 and the total extent of the said vacant plot is given by the plaintiff as 2340 sq.ft. It is to be noted that in the schedule of property, it has been stated that the defendants encroached 365 sq.ft in the eastern side of the suit 'A' schedule property. When the case was posted for framing issues, the petitioner/plaintiff has filed the present application

seeking an order to implead the proposed party as 3rd defendant. The specific reason given by the petitioner/plaintiff to add the proposed party in the suit is that he made an attempt to encroach the western part of the suit property during the month of May 2024.

b) It is to be noted that the above suit has been filed against the respondents 1 & 2/ defendants on the specific allegation that the defendants were unlawfully trying to trespass in the eastern side of the suit property in the 1st week of September 2022 and they had encroached certain area in the suit property on the eastern and southern side in the month of October 2022.

c) At this juncture, it is pertinent to be noted that the cause of action for filing the suit against the existing defendants is totally different with the cause of action given in the affidavit of the petitioner to implead the proposed party. Further, the proposed party cannot be added in the suit as one of the defendants for the reason that two different reliefs are asked by the plaintiff against the existing defendants in respect of the suit 'A' and 'B' schedule properties. At this juncture, it will be very useful to refer the decision of Hon'ble High Court of Madras in **Firm of Mahadeva rice and oil mills and vs Chennimalai Goundar on 16 December 1966** in respect of of impleading of 3rd party in the suit wherein the Hon'ble High Court of Madras has formulated the following guidance;

“the following tests may be formulated usefully as a guidance in the case of adding of parties under O. 1, R. 10, Civil P. C.: (1) If, for the adjudication of the "real controversy" between the parties on record, the presence of a third party is necessary, then he can be impleaded. (2) It is imperative to note that by such impleading of the proposed party, all controversies arising in the suit and all issues arising thereunder may be finally determined and set at rest, thereby avoiding multiplicity of suits over a subject-matter which could still have been decided in the pending suit itself; (3) The proposed party has a defined, subsisting, direct and substantive interests in the litigation, which interest is either legal or

equitable and which right is cognisable in law; (4) Meticulous care should be taken to avoid the adding of a party if it is intended merely as a ruse to ventilate certain other grievances of one or the other of the parties on record which is neither necessary or expedient to be considered by the Court in the pending litigation; and (5) It should always be remembered that considerable prejudice would be caused to the opposite party when irrelevant matters are allowed to be considered by Courts by adding a new party whose interest has no nexus to the subject-matter of the suit.”

d) As stated above, the cause of action and reliefs prayed in the suit are not connected to the proposed party. As rightly pointed out in the counter of proposed party that if the plaintiff wants to seek any relief against the proposed party on the basis of the alleged new cause of action happened in the month of May 2024, it is for her to file a fresh suit against him and hence the presence of the proposed party is not necessary to decide the subject matter of the suit. This court is of the view that the proposed party is neither necessary party nor proper party to decide the issue involved in the above suit. Hence, the application is liable to be dismissed. This point is answered accordingly.

In the result, the application is dismissed. No cost.

Dictated by me to the Steno-typist and typed by her in the computer, corrected and pronounced by me in the open court, on this the 17th day of October 2025.

I Additional District Judge,
Ranipet.