

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,**

District Munsif, Devakottai

Tuesday, the 18th day of June, 2026**IA.No.02/2025****in****OS.No.78/2025**

K.Dhandapani

...Petitioner

-Vs-

M.Muthulakshmi

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.V.Kalyanakumar learned advocate for the Petitioner, Thiru.A.Haja Mohideen learned advocate for the Respondent. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER**The petition is filed under Order I Rule 10(2) of CPC****1. The averments in the petition are as follows:**

(i). The petitioner is the proposed party in the main suit. The petitioner states that he has bought properties from Ramachandran, Jaya Prakash, Patil Suresh Kumar, Saroja Devi, Soodamani, Usha Devi and Renuka inclusive of the suit property through registered sale deed dated 19/12/2019. This being so, the respondent has created forged documents with respect to the 2nd and 3rd property in document number 4802/2019. The certified copy of the same is produced as document number 1. similarly, the 1st property of the said document, which was sold to this petitioner

by the above persons and the document through which the person has bought the said property is produced as number 2. Also, the 2nd property that was bought by the petitioner was earlier bought by Krishnamurthy Iyer from Rangasamy Aiyengar through a registered sale deed, which is also produced as document number 3. One Mrs.Radha Mani Ammal who has bought the property which was subsequently bought by this petitioner. The property was actually bought by her husband Krishna Samy Iyer and has been in possession and enjoyment of the same and has died leaving behind his wife and the above said people as his children. His death certificate is produced as document number 4. The said Radhamani Ammal has married one Mr.Rajan as her second husband and has been taking care of her 1st husband's business and was running the same as Sri Narayana Vilas hotel in Devakottai. The above said Renuka is the only daughter of the said Rajan and Radhamani Ammal. The 2nd property which was bought by the petitioner was earlier bought by Rajan son of Krishnan from one Mrs.Papathi Ammal through a sale deed dated 03/02/1979, the certified copy of which is produced as document number 5. After that Radhamani Ammal has died on 14/02/2005. Her death certificate is produced as document number 6. After her death, Since the Rajan was also working in Sivagangai and their daughter has also married off and was residing in Kerala, this respondent/plaintiff was appointed to work for the said Rajan. The said Rajan has also died on 30/11/2017, whose death certificate is produced as number 7 and the translated copy of his death certificate, legal heir certificate are produced as document number 8. Also, the properties of the above said Krishnamurthy, Radhamani Ammal and Rajan are in Aavanur village of, Thrissur District in Kerala. The family membership certificate of the above 1 to 7 members who are residing in Kerala is produced as document number 9. In the meanwhile the respondent/plaintiff who was employed to work for Rajan has fraudulently created a sale agreement with respect to the properties on 21/02/2018, and when the 7th person came to know about this, she gave a complaint to the police on 16/12/2019, and hence the plaintiff has canceled the sale agreement.

(ii). After that the above said 1 to 7 persons were in possession and enjoyment of the property through succession. After which the same was bought by the petitioner who has been in possession and enjoyment of the same since then. The patta for the property in the name of 7th person who also sold the same to the petitioner is produced as document number 10. The certified extract from the town survey land register is produced as document number 11. The tax receipt in the name of the petitioner is produced as document number 12. The trade license payment receipt in the petitioner's name is produced as document number 13. The EB receipts are produced as document number 14 and the employment tax for the above Narayana Vilas Hotel in the name of the petitioner is produced as document number 15 respectively. The plaintiff very well know about the fact that this petitioner has bought the property and the plaintiff has agreed to vacate the property within three months. Until then the plaintiff requested to work in the above Narayana Vilas hotel for which this petitioner has also permitted. After that due to Covid, since the petitioner was unable to travel to Devakottai the plaintiff took advantage of the same and stated that the said Rajan has executed a will in their favour with respect to the property and refused to vacate the same and hence the petitioner has filed a complaint to the police for which FIR was registered and charge sheet was filed and a case is pending in the Judicial Magistrate Court of Devakottai as CC.No.69/2022. Also, a notice was given by the Municipality Office of Devakottai regarding the building being too old, the copy of which is produced as document number 16. The plaintiff and the 2nd defendant has given complaint against the petitioner to the Tiruppur District Registrar who has after complete enquiry stated that the document through which the petitioner has bought the property is valid and that the unregistered will cannot be accepted and has passed an order dated 06/12/2021, the copy of which is produced as document number 17. The plaintiff/respondent and the 2nd defendant has fraudulently created documents and has quoted the petitioner's temporary address and obtained an ex-parte order from the Revenue Divisional Officer of Devakottai, the copy of which is produced as document number 18.

(iii). The said document does not even have the seal of the Government and it is not known whether the said document is a valid one or was created by this respondent. Against the same, the petitioner has filed an appeal before the District Revenue Officer of Sivagangai who has without enquiring the same has told the parties to seek remedy from the appropriate civil court. The copy of the order is produced as document number 19. Against the order of the district registrar of Tiruppur, the plaintiff and the 2nd defendant have appealed to the Deputy Inspector General of Registration, Coimbatore, whose issued an order dated 24/08/2023 where in he has dismissed the appeal filed by the plaintiff and the 2nd defendant. The copy of the same is produced as document number 20. The plaintiff and the 2nd defendant after having approached this petitioner for compromise has filed a case before the District Court of Sivagangai in OS.No.128/2024, based on the unregistered will. The plaintiff and the 2nd defendant are not the wife and children of the said Rajan. If it were so they would have produced the birth certificate or the transfer certificate of the 2nd defendant before proceedings in the District Register Office, Tiruppur. Also in order to prove that the said 1st defendant is the husband of the plaintiff, HMOP number 62/2012 has been filed in the Sub-Court of Devakottai which the plaintiff has filed the same to cancel the marriage that took place between the plaintiff and the 1st defendant dated 29/10/2001, in which in her affidavit she has stated that the respondent and her husband Jagadeeswaran had a male child on 05/05/2003 named Yogeshwaran. The copy of the proof affidavit filed by the plaintiff is produced as document number 22. This being so they have filed suit before the District Court, Sivagangai in OS number 128/2024 stating as if the said Rajan is the husband of the plaintiff and that the 2nd defendant is the biological son of the said Rajan, which cannot be permitted as she is estopped from doing so. While this petitioner has filed a suit in OS.No.107/2025, before the District Court, Sivagangai regarding declaration of the property and for eviction of the plaintiff from the same in which this plaintiff and the 2nd defendant has appeared before the court, they have filed this suit to declare the said 2nd defendant as the biological son of Rajan concealing all the above

said facts. Hence the plaint must be rejected. The copy of the plaint in OS.No.107/2025 is produced as document number 23. The plaintiff has filed the plaint so as to defame the late Rajan. Hence the plaint must be rejected in its entirety. For the same, the petitioner should be added as a party. The plaintiff and 2nd defendant having filed the suit in OS.No. 128/2024 before the District Court, Sivagangai as plaintiffs, have filed this case in this court being the plaintiff and the 2nd defendant by colluding with each other. The plaintiff and the 2nd defendant concealing all above facts while the suits in OS.No.128/2025, and OS.No.107/2025 are pending, without claiming the civil relief in the pending suits, and having given the same, has filed the separate suit, claiming for the relief which is barred by law. Hence it becomes important to add this petitioner as a necessary party to the suit, so as to know the full details about the fact at hand and hence it becomes important to add the petitioner as proposed party. Hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent has denied the contention of the petition and has stated that petitioner has stated the wrong address and that the petitioner has filed suits before the District Court of Sivagangai in OS.No.107/2025 which this respondent is facing and conducting the same. He has also filed several false criminal complaints against his respondent. Respondent states that the relationship of the respondent with the said K.Rajan dates back to the date before the marriage of this respondent with the 11th defendant. The respondent states that she was in a matrimonial relationship with the said Rajan even before the year of 2001. After the death of the Rajan on 30/11/2017, the respondent has been living as his wife and has been taking care of all the religious ceremonies after his death. In the meanwhile, by creating a forged document with respect to the respondent husband's property dated 19/12/2019, petitioner has no right to interfere in the matrimonial relationship of respondent. The respondent states that the petitioner has never known Mr.K.Rajan and has never even seen him in real life. She also states that through the OS.No.128/2024, the petitioner is trying to acquire the properties of the husband of this respondent fraudulently. The respondent denies

the fact that she was employed by the said K.Rajan to take care of his house and states that Rajan has died during the November 2017 in Kerala and since this respondent was in Devakottai, taking advantage of the same, the petitioner has obtained death certificate and legal heir certificate fraudulently. She also states that the said Rajan has executed a will with respect to Narayana vilas in favour of this respondent and her son and the legal heirs of Krishnamoorthy and Radhamani, as per which this respondent has entered into a sale agreement in favour of one Mr.Srinivasan, with respect to their share of property. As the said Srinivasan failed to comply with agreement within particular time, the said agreement was cancelled. The RDO of Devakottai has issued a Patta transfer order in favour of this respondent based on the will, against which appeal to the DRO was filed, against which this respondent has filed an appeal but since there was a case pending in the High Court, we were asked to seek relief from the same. Hence the respondent has filed the suit in OS.No.128/2024. She has also stated that the license tax and property tax for the Narayana Vilas hotel, were in the name of K.Rajan, but the same was fraudulently changed to the name of the petitioner. With respect to the claim of the petitioner that she has stated one Mr.Jagadeesan as her husband in HMOP.No.62/2012, the respondent states that the affidavit in the case was created by her advocate without her instructions and knowledge, and that she is taking steps to remove the said affidavit from the case and also states that the petitioner has no rights to talk about the same here. She also states that the respondent does not know anything directly. She also states that this petitioner has no rights to interfere in the matrimonial life of this respondent. She also states that the prayer in OS.No.128/2024 is different and that would not be barred by estoppel. She also states that the prayer of the petitioner would be barred by resjudicata as he has already filed a suit in OS.No.107/225. She also denies the fact that the suit must be dismissed for not adding the legal heirs of the said Rajan as parties. She states that the 2nd defendant was born out of the relationship between the said Rajan and this respondent, which is known to all, and also the legal heirs of the above said Krishnamoorthy and Radhamani Ammal. Hence,

she states that the petitioner has no rights to interfere in her relationship status and prays for the petition to be dismissed.

3. Now the question to be decided is whether the petition has to be allowed or not?

(i). Petition and counter perused. Enquiry heard on both sides. The petition has been filed to implead the petitioner as parties in the main suit. The petitioner has stated the reason that they have bought the property from the actual legal heirs of Krishnamurthy and Radhamani Ammal and the said Mr.K.Rajan. He has also stated that this plaintiff has filed several suits regarding the property of Mr.K.Rajan and has also filed a divorce case and she has stated one Mr.Jagadeesan as her legally wedded husband and that he is the father of the 2nd defendant. But in the case at hand she is stating that 2nd defendant is the son of K.Rajan. The petitioner states that he should be added as a party only then the true fact of the case would be uncovered. On the other hand, the respondent has denied the contention of the petition and states that the petitioner has no right to interfere in the matrimonial life of this respondent and states that she has been living as Rajan's wife and that their matrimonial relationship dates back before the marriage of the plaintiff in the year of 2001. She also states that the contents of the HMOP were unauthorized by her and she's taking steps to remove the same. She states that she and Rajan have been in a relationship for a long time and that out of their relationship was born the 2nd defendant. Both side averments perused. On perusal of records, it becomes clear that the suit has been filed by the plaintiff to declare that the 2nd defendant is the son of one Mr.Rajan and also to declare that the 1st defendant is not the father of 2nd defendant. She has stated in the plaint that she and Rajan were in a relationship for a very long time out of which the 2nd defendant was born. On the other hand, the petitioner has stated that the plaintiff has filed an HMOP before the Sub-Court of Devakottai wherein, she stated that the 1st defendant is her lawfully wedded husband and that he is the father of the 2nd defendant. The petitioner states that he must be added as a necessary party to unravel the actual facts of the suit. He has also stated that the plaintiff is taking contrary stands before the various courts and that she is barred by estoppel.

(ii). The petitioner in order to prove his case has marked exhibits P1 to P10. Exhibit P1 is a sale deed on perusal of which it becomes clear that it was executed by Ramachandran, Jaya Prakash, Patel Suresh Kumar, Saroja Devi, Soudamini Usha Devi and Renuka in favour of Dhandapani with respect to certain property. In the source of the property in the said document it has been shown that the property was bought by the father of the 7th person Renuka, who is the said Rajan and his wife Papathi Ammal through registered sale deed of document number 101/1979. This makes the fact clear that the said Rajan had a wife and a daughter. Exhibit P2 is another sale deed on perusal of which it becomes clear that one of the properties in exhibit P1 was bought by their previous owner through the said sale. Exhibit P3 is another sale deed through which the petitioner's predecessor has bought the 2nd property sold to the petitioner. Exhibit P4 is a sale deed through which the said K.Rajan has bought the Narayana Vilas from Papathi Ammal. On perusal of exhibit P5, it becomes clear that the said Radhamani Ammal wife of Raja Nair has died on 14/02/2005. On perusal of exhibit P6 it becomes clear that the said K.Rajan son of Krishnan has died on 30/11/2017 in Thrissur. Exhibit P7 is a TSLR extract of a property which is not relevant to the petition. Exhibit P8 is a copy of the plaint filed by the petitioner before the District Court of Sivagangai against the plaintiff and the 2nd defendant. Exhibit P9 is the plaint filed by the plaintiff and the 2nd defendant before the District Court of Sivagangai in OS.No.128/2024. Exhibit P10 is the legal heir certificate of the Radhamani Ammal. On the other hand, the respondent in order to prove her case has marked 5 exhibits. Exhibit R1 is the copy of the petition file in HMOP.No.62/2012 by the plaintiff against the 1st defendant in which she has stated that the 1st defendant is her lawfully wedded husband and that the 2nd defendant Yogeshwaran was born out of their matrimonial relationship. Exhibit R2 is the certified copy of the decree in the above HMOP on perusal of which becomes clear that the marriage took place between the plaintiff and the 1st defendant was declared null and void. Exhibit R3 is the certified copy of the judgment given in HMOP.No.62/2012. Exhibit R4 is again the death certificate of the said K.Rajan.

Exhibit R5 is the astrology notebook of Yogeswaran in which it has been stated that he is the son of Rajan Nair and Muthulakshmi. Both side averments perused. It is true that the case has been filed against the 1st defendant and the 2nd defendant seeking to declare that the said K.Rajan as the father of the 2nd defendant and that the 1st defendant is not the father of the 2nd defendant. On perusal of the documents put forth by the petitioner and the respondent it becomes clear that the marriage has taken place between the plaintiff and the 1st defendant and the 2nd defendant was born out of their wedlock even before the divorce was granted. The respondent herself has admitted the fact before the Honourable Sub-Court of Devakottai in the affidavit given by her wherein she has stated that the 1st defendant is the father of the 2nd defendant. Having stated so she has approached this court stating that the 2nd defendant is the son of K.Rajan and has asked the court to declare that the 1st defendant is not the father of the 2nd defendant which seems to be contradictory to what the respondent has stated in her affidavit. Also, the plaintiff has not disclosed about the fact that the said K.Rajan had other legal heirs and has also not disclosed about the fact that other cases have been filed with respect to the property of Mr.K.Rajan.

(iii). The respondent has also stated that she is taking steps to remove the said affidavit and the facts put forth by her from the records, but she has not provided any evidence regarding the same. The petitioner having filed the same affidavit and having sworn the same cannot state that she did not know the contents of the affidavit. But all the above facts cannot be discussed at this petition since this is a petition to implead the petitioner in the main suit. The respondent has taken the stand that this is a matrimonial dispute between the plaintiff and the said K.Rajan and that the petitioner does not have any rights to intermeddle in the same. It is true that the petitioner being a third-party cannot interfere with the personal affairs of the respondent. But having taken into consideration the fact that the petitioner have not disclosed about the fact that Rajan had other legal heirs and having taken contradictory stands before the different courts, the court is satisfied that the

petitioner should be included as a necessary party so as to bring out the facts of the case and for effective disposal of the case on merits without any lacuna or undue delay. The court believes that the plaintiff/respondent will not be affected in any way by the impleaded party as the suit relates only to the relationship between the plaintiff, the 2nd defendant and the said K.Rajan and the petitioner is only a third-party to the suit. The court finds it fit to allow this petition only for the reason that the case must be disposed on merits without any ambiguity regarding the facts and without any lacuna and also because it becomes clear that the petitioner would be affected by the outcome of this suit as the same would affect his property. Hence he can be considered as a necessary party to the suit. Also, the 1st defendant has not appeared before this court, so as to state the facts of the case and also the other legal heirs of the said Rajan were not added as parties in the main suit. Hence it becomes important to know the actual facts of the case which were not put forth by the plaintiff in her plaint. The court believes that allowing this petition would not cause any loss or injury to the plaintiff but the outcome of this suit could affect the petitioner. Thus it becomes important to add the proposed party as a party in the main suit for the complete and effective disposal of the case. Hence, in the end petition is allowed. No order as to cost.

4. Decision

In the end, the petition is allowed. No order as to cost.

This Order was dictated by me, typed by the Steno-Typist, corrected by me and pronounced by me in the open Court on 18th day of June 2026.

**District Munsif,
Devakottai.**

Annexures:**List of witnesses on the side of the Petitioner** - Nil -**List of documents on the side of the Petitioner:**

(I). Exhibit P1 is the certified copy of the sale deed of document number 4802/2019 dated 13.12.2019 and 19.12.2019.

(II). Exhibit P2 is the certified copy of the sale deed of document number 2381/2019 dated 21.06.2019.

(III). Exhibit P3 is the certified copy of the sale deed of document number 2750/1962 dated 29.12.1962.

(IV). Exhibit P4 is the certified copy of the sale deed of document number 101/1979 dated 03.02.1979.

(V) Exhibit P5 is the copy of the death certificate in the name of Radhamani Ammal.

(VI). Exhibit P6 is the copy of the death certificate in the name of K.Rajan.

(VII). Exhibit P7 is the copy of the TSLR

(VIII). Exhibit P8 is a copy of the plaint filed by the petitioner before the District Court of Sivagangai against the plaintiff and the 2nd defendant.

(IX). Exhibit P9 is a copy plaint filed by the plaintiff and the 2nd defendant before the District Court of Sivagangai in OS.No.128/2024

(X). Exhibit P10 is the copy of the legal heir certificate of the Radhamani Ammal.

List of witnesses on the side of the Respondents - Nil -**List of documents on the side of the Respondents**

(I). Exhibit R1 is the copy of the petition filed in HMOP.No.62/2012 by the plaintiff against the 1st defendant,

(II). Exhibit R2 is the certified copy of the decree in HMOP.No.62/2012,

(III). Exhibit R3 is the certified copy of the judgment given in HMOP.No.62/2012, (IV). Exhibit R4 is the copy of the death certificate in the name of K.Rajan,

(V). Exhibit R5 is the astrology notebook of Yogeswaran,

**District Munsif,
Devakottai.**