

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF,
TIRUPPUR**

PRESENT: Tmt. A. VANITHA, M.S.W., L.L.B.,

Principal District Munsif, Tiruppur

On Tuesday, the 06th day of January 2026

I.A.No.439/2025

in

O.S.No.122/2013

1. P.Subramaniaym

2. S.Makesh

3. Mohanraj ...Petitioners/Proposed impleading parties

/vs/

1. C.Deivasigamani ... Respondent/Plaintiff

**2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
(Admn) Department, Coimbatore.**

**3. The Assistant Commissioner,
Arulmigu Perumpanai Varatharaja
Perumal Temple, Tiruppur Taluk,
Tiruppur District.
Fit Person, Arulmugu Perumpanai Varatharaja
Perumal Temple, Kovil Vazhi, Tiruppur**

4. C.Savithiri

5. M.Nirmaladevi

6. C.Dhanabal ...Respondents/Defendants

This petition has been coming in the presence of 06.01.2026

Thiru.K.R.Sivam,B.Com.,LLB., Advocate for the petitioners and

Thiur.V.Sairam,M.A.,B.L., Advocate for the 1st Respondent

Thiru.C.M.Arunachalam,B.Com.,B.L., Advocate for the 3rd Respondent and 2, 4 to 6 Respondent are set exparte and upon hearing the arguments and upon perusing all the material records and having stood over for consideration, till this day, this court delivered the following:-

ORDER

1. This petition is filed under section Order 1 , Rule 10 of C.P.C. to implead the Petitioners as defendants and pass further orders.

THE BRIEF AVERMENTS OF THE PETITION FILED BY THE PETITIONER IS AS FOLLOWS:

2. The petitioners are the third party to the suit seek to be impleaded as defendants in O.S. No.122/2013. The suit property measuring Acres 5.63 in S.F. No.50/2, Muthanampalayam Village, originally classified as Inam land, was granted patta under Section 8(2)(ii)(a) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, in favour of K.S.S. Subbaiyengar by order dated 19.06.1974 passed in R.R. No.17/1972 by the Assistant Commissioner. The petitioners herein seek to be impleaded as defendants in O.S. No.122/2013, pending on the file of this Hon'ble Court, as they are necessary and proper parties for the

Settlement Officer. The petitioners, being lawful purchasers from the legal heirs of K.S.S.Subbaiyengar under registered sale deeds dated 01.07.2016 and 22.03.2019, are in continuous and peaceful possession of the property, having also complied with fair rent payments pursuant to ASO proceedings. However, the legal heirs of one Nanjammal, who had earlier obtained patta based on suppression of material facts and without valid title, have filed the present suit against the HR & CE Department and temple authorities without impleading the petitioners, thereby affecting their rights and title. Hence in order to avoid multiplicity of proceedings and to ensure proper adjudication of all issues involved this petition has been filed to implead the petitioners in the suit.

THE BRIEF AVERMENTS OF THE COUNTER STATEMENT FILED BY THE 1st RESPONDENT IS AS FOLLOWS:

3. The petition is false, frivolous and not maintainable. The respondent/plaintiff submits that the present suit has been filed for declaration of absolute title and for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property situated in S.F. No.50/2, Muthanampalayam Village. The impleading petition filed

by the petitioners/proposed parties seeking to implead themselves in the present suit is wholly misconceived, devoid of merit, and intended solely to delay the proceedings. The claims made by the petitioners regarding title and possession based on alleged sale deeds are false and denied. The said property was originally classified as Inam land, in which only Melvaram rights were vested with the Arulmigu Perumpannai Varatharaja Perumal Temple, as conclusively determined by the Minor Inam Tribunal in C.M.A. Nos. 311/1969 and 429/1969, where it was held that the plaintiff's predecessor, Nanjammal, was entitled to Kudivaram rights and granted patta accordingly. The said orders have attained finality and operate as resjudicata, binding upon the temple and any persons claiming through or under it. The petitioners were not parties to any relevant proceedings and have failed to disclose the material facts and earlier tribunal findings. Their claim of ownership and possession is based on fabricated and void documents, and the assertion that they are necessary parties is untenable and the petition is liable to be dismissed.

**THE BRIEF AVERMENTS OF THE COUNTER STATEMENT
FILED BY THE 3rd RESPONDENT IS AS FOLLOWS :**

4. The petition is false, frivolous and not maintainable. The Respondents respectfully submit that the petitioners have filed the present petition by suppressing material facts and making false claims, despite having no legal connection to the suit property, which was granted under a conditional patta to the Perumpannai Varadaraja Perumal Temple for temple service purposes. The name of the priest, K. Subraya Iyengar, was included in the patta solely in a custodial capacity, and his descendants, including the petitioners, have no ownership rights. It is a settled position of law, as upheld by various decisions of the Hon'ble High Court and Supreme Court, that priests or trustees cannot claim, sell, or alienate temple property, which is considered the property of the deity. The Settlement Officer's order dated 31.01.2019 is valid, having been passed after due inquiry, and cannot be challenged at this stage, especially after several decades and sought for dismissal of petition.

POINT FOR DETERMINATION:

5. Admittedly the petitioner is the third party to the suit and claiming right over the suit property. On persual of pleadings

put forth by the petitioner pleaded that they are the lawful purchaser of the suit property.

6. On the other hand the defendant disputed that the respondents are the unnecessary party to the proceedings. In a suit, proper and necessary parties to be impleaded. Order 1, Rule 10 CPC, empowers the court to add any person as party at any stage of the proceeding if the person, whose presence before the court is necessary or for effective adjudication involved in the suit. Though both parties are claiming right over the property this Court is of view that the Petitioners are the necessary party in the suit and decided accordingly.

ORDER

S.No	ORDER
1.	As a result, this petition is allowed.
2.	There is no order for costs.

Having dictated by me directly and computerized by Steno - Typist directly and having corrected the Judgment is pronounced by me in the open court, of this the 06th day of January 2026.

**Principal District Munsif,
Tiruppur.**

Petitioners Witnesses:

-NIL-

Petitioners side Exhibits:

-NIL-

Respondents Witnesses:

-NIL-

Respondents side Exhibits:

-NIL-

**Principal District Munsif,
Tiruppur.**