

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.
1st Additional District Judge,
Tirunelveli.

Monday, the 13th day of October 2025.

I.A. No. 4/2024 in CMA No. 48/2022

1. M. Shanmugam Achari
2. P. Kannan
3. P. Lakshmananan Achari
4. P. Nagaraja @ Ashok Raja

... Petitioners/Proposed
8 to 11 Respondents

// Versus //

1. His Holiness Shri Shri Shri
Shivaraja Gnanacharya Guru Swamigal
2. Shri Shri Shri Shivaraja Sekaran Gnanacharya Guru Swamigal
3. A.S.A. Kathirvel
President Aadheena Abhiviruthi Committee
4. The Commissioner,
HR & CE, Chennai 600 034
5. The Assistant Commissioner,
HR & CE, Tirunelveli
6. The District Collector, Tirunelveli
7. The Revenue Divisional Officer,
Tirunelveli
8. The Tashildar, Tirunelveli
9. Puthathmanada Saraswathi Swamigal
10. S. Arumugaraj

... Respondents/ Appellants

This petition came up before this court on 24.09.2025 for a final hearing in the presence of Thiru. S.B.Kamalanathan, Advocate for the Petitioners, and Thiru. S.M.Tamilselvam, Advocate for the Respondents Nos. 1 to 3, Thiru. R. Shankar, Government Pleader for the 4 to 8 respondents, and Thiru. S. Shenbagam, Advocate

I.A. No. 4/2024 in C.M.A. No. 48/2022 O 1 R 10(2) section 151 of the CPC for the 9th respondent, Thiru. S. Krishnaraj, Advocate for the 10th respondents, and upon hearing both sides' arguments and upon perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. This petition has been filed under Order-1 Rule-10(2) and section 151 of the C.P.C to implead the petitioners as 8 to 11 respondents in the Civil Miscellaneous Appeal.

2. The brief averments in the petition are as follows:-

The 1 to 3 respondents filed O.P. No.6/2020 against the 1 to 7 respondents, which was dismissed by the Subordinate Judge, Tirunelveli, on 06.06.2022. The 1 to 3 respondents filed the appeal against the dismissal order. The respondents 1 to 3 have stated that they have to be appointed as Madhathipathi of the Mutt. But the respondents 9, 10 stated that the 9th respondent is already selected as Madhathipathi of Mutt. Due to the dispute between the 1 to 3 respondents and the 9th, 10th respondents, the regular administration and function of the Mutt is affected. The petitioners are the beneficiaries of the Mutt function, and their interests and rights are affected. Hence, the petitioners are the necessary persons for deciding the dispute and ought to be impleaded as 8 to 11 respondents in the main appeal. Hence, this petition is filed.

3. The brief averments of the counter filed by the respondents 1 to 3 is as follows:-

The petition is not maintainable either in law or on the facts. The petitioner has no locus standi to file this petition. The petitioners are not the necessary parties to this case. The petitioners filed this petition only to drag on the proceedings. Hence, the petition may be dismissed with costs.

4. The brief averments of the counter filed by the 9th respondent is as follows:-

The petition is not maintainable either in law or on the facts. After the disposal of O.P.No.6/2020, the respondent conducted several annual functions. He is also acting as the Guru of the community. The petitioners are local parties, and they have chosen to file this application at the instigation of the appellants after having failed in the lower court. Functions and pooja services are properly done after the 9th respondent became the Guru and head of the Mutt. The petitioners are the close associates of the appellants. The petitioners are not bona fide parties. No purpose is made out to implead them as parties in this appeal. Hence, the petition may be dismissed with costs.

5. The brief averments of the counter filed by the 10th respondent is as follows:-

The petition is not maintainable either in law or on the facts. The 9th respondent is staying at Mutt, and he is worshipping the gods. If the petitioners are impleaded, the petitioner will chance to interfere with the administration of the Mutt will be administered. Hence, the petition may be dismissed with costs.

6. The 4 to 8 respondents' counsel made an endorsement as no counter.

7. The Point for determination in the petition is:

Whether the petition can be allowed?

8. During the enquiry, no evidence was adduced and no documents were marked on both sides.

9. Answer to the Point: -

(i) Heard both sides. This court carefully perused the affidavit, counter, and case records.

(ii) This appeal was filed against the dismissal order of the learned Principal Subordinate Judge, Tirunelveli, in OP No. 6/2020. In fact, there is a dispute between the 1 to 3 and 7 to 9 respondents about the administration of the Mutt. The petitioners have not chosen to implead themselves as the parties in the original petition before the trial court. Further, the petitioners are mere devotees of the Mutt and have no business with the administration of the Mutt.

(iii) As per the settled principles of necessary parties or interested parties, this court considered the citation as

“Kasturi (Vs.) Iyyamperumal, (2005) 6 SCC 733,”

A court does not have jurisdiction to join a person whose presence is not necessary for the effectual and complete adjudication of all the questions involved in the dispute and this question, i.e. whether his presence is necessary for the effectual and complete adjudication of all questions, is to be decided keeping in mind the scope of the suit. The phrase "all the questions involved" means only the controversies with regard to the right which is set up and the relief claimed on one side and denied on the other and not the controversies which may arise between the plaintiffs inter se, or between the defendants inter se, or between the plaintiffs and third parties or between the defendants and third parties.

As the above settled principles, the petitioners have no interest in the administration of the Mutt. This court can dispose of the case without the presence of the petitioners. In this case, if the petitioners have not been impleaded, these petitioners' rights cannot be affected, and no prejudice to be caused to the petitioners. Hence, this court would not like to allow this petition by the interest of justice.

10. In the result, this petition is dismissed. No costs.

This order is directly dictated to the steno-typist, typed by her in a computer, and corrected and pronounced by me in open court on this, the 13th day of October 2025.

1st Additional District Judge,
Tirunelveli.

The petitioners side witnesses and documents: Nil
The respondents' side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli
DRAFT / FAIR ORDER
IA No.4/2024 in
CMA No.48/2022
Dated: 13.10.2025