

**IN THE COURT OF THE 1st ADDITIONAL DISTRICT MUNSIF,
TIRUNELVELI**

Present : **Tmt.S.Pon Melisa, B.A., LL.B.,**
Ist Additional District Munsif,
Tirunelveli.

DATED THIS THE 07th DAY OF NOVEMBER 2025 FRIDAY

I.A.No.3/2023 in O.S.No.545/2022

1) Shanmugasundaram

2) S.Gurusamy

3) S.Ganapathi Subramanian

4) S. Senthil Arumugam

5) Mariappan

... Petitioners /Plaintiff

// Vs //

1) P. Ponrathina

2) G.R.Parvathy

... Respondents / Defendants

3) Ponnuraj

... Proposed party

This petition is coming before me on 28.10.2025 for final hearing in the presence of Mr.B.Thilak, Learned counsel for the petitioner and in the presence of Mr.L.Patturaj, Learned counsel for the 1st Respondent and in the presence of Mr.P.Chidambaram, Learned counsel for the 2nd Respondent and R3 called absent set exparte and upon hearing both sides arguments and perusal of records and relevant documents and having stood over till this date for consideration, this court delivered the following:-

ORDER

This petition has been filed by the petitioners under Order 1 Rule 10(2) for

seeking relief of implead the proposed party in the original suit as 3rd defendant.

2) The case of the petitioner is that the main suit has been filed seeking the relief of permanent injunction against the first and second defendants. In respect of defendants 1 and 2, this Court, by order dated 13.12.2022 in I.A. No. 2 of 2022, granted an interim injunction restraining the defendants, their men, servants, or agents from in any manner interfering with the peaceful possession and enjoyment of the plaint schedule property by the petitioners, who are performing Nithyapadi Dharma Pooja in the temples of Arulmigu Nithyanandha Swami, Dakshinamurthi, Mahalingam, Vinayagar, and Subramaniam situated therein, as hereditary Akthars of the Nithyanandha Swamigal Nithyapadi Dharmam Trust.

3) It is further stated that the petitioner lodged a complaint before the Pettai Police Station along with a copy of the said interim injunction order. During the enquiry, the husband of the first respondent appeared on her behalf and stated before the Inspector that no court order could control him, thereby showing utter disregard to the interim order of this Court. It is further alleged that the said person, ignoring the injunction, has been indulging in several acts of encroachment upon the plaint schedule property. Hence, it is contended that his presence is necessary for the effective adjudication of the dispute, and therefore, the present petition has been filed to implead him as the third defendant in the main suit.

4) On the side of the 2nd respondent, a counter has been filed contending that the petition is not maintainable either in law or on facts. It is further contended that

the proposed party, one Ponraj, is a total stranger having no connection with the subject matter of the suit. It is also stated that he is a police officer, and if impleaded, he may misuse his official position to interfere with the affairs of the temple. Therefore, it is prayed that the petition be dismissed as frivolous and intended only to delay the proceedings.

5) On careful consideration of the rival submissions and the materials on record, this Court finds that the allegations made by the petitioner clearly show that the proposed party, the husband of the 1st respondent, is directly involved in the acts complained of, which form part of the cause of action in the suit. It is seen that the alleged interference by the proposed party is directly connected with the basis of the relief sought in the present suit for injunction . Therefore, this Court is of the considered view that without impleading him as a party, no effective or complete relief can be granted, and his presence is necessary for a just adjudication of the issues involved.

6) Furthermore, this Court finds that if this petition is allowed, no prejudice or loss would be caused to the respondents, whereas non-impleadment of the proposed party would result in multiplicity of proceedings . Considering the facts and circumstances this court inclined to allow this petition.

In the result, the petition is allowed . No costs.

Dictated to the Steno typist by me, directly typed by him in Computer, Printout taken and corrected and pronounced by me in open court this the 07th day of November 2025.

Ist Additional District Munsif,
Tirunelveli.

Petitioner side Witness and documents:- NIL

Respondent side witness and documents :- NIL

Ist Additional District Munsif,
Tirunelveli.

Ist A.D.M. Court, Tirunelveli,
I.A.No.3/2023 in O.S.No.545/2022

Fair / Draft - Order,
Dated: 07.11.2025