

IN THE COURT OF THE SUBODINATE COURT, VALLIYOOR

Present:Thiru. C.Ashok Kumar

Subordinate Judge, Valliyoor.

Monday, this the 08th day of September 2025

IA No.5/2025 in I.A.No.3/2024 in O.S. No.159/2024

Jeyasingh

..... Petitioner/Respondent/Defendant

//Vs//

1) Jerin
through his power agent
John Vinodh

....Respondent/Petitioner/Plaintiff

2) J.A. Anand
3) Shanila Anand
4) Prabha Anlet Mary

... Addl. Proposed/Respondents

ORDERS

1) Defendant in the suit had filed this application to implead R2 and R3 as a D2 and D3 in the suit.

2) Case of the petitioner is that property admeasuring 8 acre 68 cents was sold to several persons by the original owner and that petitioner had purchased property and the adjacent property owners i.e. R2 and R3 are need to be added as party in the suit as entire property need to be measured and for proper and effective adjudication.

3) Respondent contented that the petition is filed to protract the case, appointment of Advocate Commissioner and that no relief is sought against R2 ad R3 and he cannot be compelled to implead them as a party to the suit.

4) The suit is filed for declaration of title and recovery of possession. The suit property was properly identified in the plaint schedule. No relief is sought against R2 and R3 in the suit.

5) It is not the case of the petitioners that R2 and R3 have any interest in the suit property. Even in the absence of adjacent owner, the suit property which is clearly described in the plaint can be measured and its features can be noted down by the Advocate Commissioner. Therefore there is no necessity to implead them as a party in the suit.

6) The point to be adjudicated in this suit is whether the suit property belongs to the plaintiff or not and he is entitled to recovery of possession of the suit property from the defendant. This can be completely and effectively adjudicated even in the absence of R2 and R3 in the suit as R2 and R3 have no interest in the suit property but are owner of the adjacent property. R2 and R3 are neither proper nor necessary parties to the suit. All the issues and questions in the suit can be decided and effectively adjudicated and a binding decree could be passed even in the absence of the proposed parties.

7) Petitioner had not claimed any counter claim in the suit. The plaintiff is the dominus litus in the suit. Plaintiff cannot be made to fight a battle against a person whom he doesnot want to fight any battle. On this ground also the petition is liable to be dismissed.

8) In view of the above narrations, this court finds that the petition is sans merit and liable to be dismissed with costs.

In fine, the petition is dismissed. The petitioner is directed to pay a costs of Rs. 1,000/= to the Hon'ble District Legal Services Authority, Tirunelveli and in the event of the failure to pay the costs, the defense of the petitioner in the suit shall be struck down.

Prepared and typed by me in my laptop and corrected by me and pronounced by me in the open court this the 08th day of September 2025.

Subordinate Judge,
Valliyoor.

List of witness and documents on the petitioners side:- Nil

List of witness and documents on the respondent side:- Nil

Subordinate Judge,
Valliyoor.