

**IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.**

**PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,**  
**District Munsif, Ponneri.**

Thursday, the 13<sup>th</sup> day of November 2025.

**INTERLOCUTORY APPLICATION NO.4 OF 2025**

**IN**

**ORIGINAL SUIT NO.49 of 2020**

1. S.Hemavathy
2. M.D.Nirmala
3. S.Radhakrishnan ..... Petitioners/Plaintiffs
4. M.L.Damodaran ..... Petitioners/Proposed Plaintiff

Versus

1. Welcome Promoters Pvt Ltd., Rep. By its  
Director Mr.Sidharada.
2. E.Sidharda
3. A.Selvaraj
4. M.Loganathan
5. Ezhil Palaniappa ..... Respondents/Defendants

This petition came up before me for final hearing on 16.10.2025 in the presence of Mr.R.Vinayaga Vishnu, Learned counsel for the petitioners and Mr.A.Devendran, Learned counsel for the Respondents 1 to 5. Upon hearing the arguments made by the learned counsels for the petitioners and the respondents, and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following:

**ORDER**

1. This application is filed under Order 1 Rule 10(2) of Civil Procedure Code to implead as 4<sup>th</sup> plaintiff in the captioned OS.No.49 of 2020.

**2. Brief averments of the affidavit filed by the petitioners are as follows:**

The petitioners hereby seek to implead the proposed plaintiff as the 4th plaintiff in the present suit. The 1st plaintiff is the mother-in-law, the 2nd plaintiff is the wife, and the 3rd plaintiff is the brother-in-law of the proposed plaintiff. It is submitted that the suit property belongs to the father-in-law of the proposed plaintiff. The petitioners respectfully state that, in order to adjudicate the issues arising from the sale deed dated 07.10.2015, registered as Document No. 9851 of 2015, based on the General Power of Attorney dated 06.08.2008, registered as Document No.2599/2008, it is necessary to implead the proposed plaintiff. The proposed plaintiff is a witness to the execution of the aforementioned General Power of Attorney and is well aware of the circumstances surrounding its execution. Furthermore, the defendants, in their written statement, have stated that the late Mr.Sudhandiran, father-in-law of the proposed plaintiff, had received a sum of Rs.57,00,000/- on 06.08.2008, with due acknowledgment executed by him in the presence of two witnesses. The proposed plaintiff is also one of the witnesses to this document. Non-impleading of the proposed plaintiff would be detrimental to the rights of this petitioner and may impede a fair adjudication of the issues in this case. Therefore, it is respectfully prayed that the proposed plaintiff be impleaded as the 4th plaintiff in the suit, and for such other relief as the Hon'ble Court may deem fit and proper.

**3. Brief averments of the counter filed by the 1<sup>st</sup> respondent and adopted by the respondents 2 to 5 are as follows:**

The respondents submit that the petitioner/proposed 4th plaintiff's involvement in this matter, solely as a witness to the General Power of Attorney deed, cannot serve as a valid reason for their addition as a party to the suit. Mere attestation of a document does not validate or confer any legal interest or right in the subject matter of the suit. The proposed 4th plaintiff seeks to be impleaded solely on the ground that they signed the General Power of Attorney deed as a witness. However, the mere act of witnessing a document does not grant any legal interest or right in the property or

in the subject matter of the suit. The presence of a witness is not necessary for the court to effectually and completely adjudicate the issues involved. Furthermore, the petitioner/proposed 4th plaintiff neither holds any interest in the property nor claims any relief in the suit. The dispute can be fully resolved between the existing parties, and the presence of the 4th petitioner as a party is not required for the court to decide the matter. The respondents submit that adding the proposed 4th plaintiff as a party would unnecessarily complicate the proceedings without serving any purpose related to the actual issues in contention. Therefore, the respondents respectfully pray for the dismissal of the petition.

4. **Evidence :**

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. **Point for determination :**

Whether this petition is to be allowed or not.

6. **Discussion and Findings :**

6.1. Heard. The records have been perused. The present petition has been filed by the petitioners/plaintiffs seeking to implead the proposed 4th plaintiff in the pending suit. Upon reviewing the records and considering the submissions made by both parties, it is observed that the petition is based on the contention that the proposed plaintiff is relevant to the case in as much as the General Power of Attorney, dated 06.08.2008, registered as Document No.2599 of 2008, was executed with the proposed plaintiff acting as a witness to the document. Furthermore, the defendants, in their written statement, have referred to the power of attorney and its witnesses. Consequently, the petitioners argue that impleading the proposed plaintiff as the 4th plaintiff is necessary to effectively adjudicate the matter.

6.2. Moreover, it is noted that the suit is at the pre-trial stage. It is a well-established principle that pre-trial amendments should be approached liberally, and the proposed

plaintiff's relationship with the existing plaintiffs is also a relevant consideration in this regard. Upon review, it is clear that the suit is currently at the pre-trial stage, with the trial yet to commence. The respondents, however, object to the petition on the grounds that the proposed plaintiff is an unnecessary party to the suit. All such objections, including the defenses raised by the respondents, will be considered and adjudicated at the trial stage, not at this preliminary stage. It is a settled legal principle that amendments at the pre-trial stage, including the impleading of additional parties, should be liberally allowed, provided they are necessary for the full and fair adjudication of the case. The primary objective of a trial is to achieve a just and equitable resolution on the merits of the case, and to this end, it is important that all necessary parties be brought before the court. Therefore, the impleading of the proposed 4th plaintiff, where it is required for the complete adjudication of the issues, should not be denied at this stage.

6.3. In this context, it is relevant to refer to the ruling in *Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd. & Anr.*, (2022) 7 SCC On Line SC 1128, wherein the Supreme Court laid down certain guiding principles on the liberal approach towards amendments in pre-trial stages. The Court held that:

*“(iv) Some general principles to be kept in mind are:  
(I) The Court should avoid a hyper-technical approach and, as a general rule, be liberal, especially when the opposite party can be compensated by costs.  
(II) Amendments may be justifiably allowed where they are intended to rectify the absence of material particulars in the plaint or to introduce an additional or new approach.  
(III) The amendment should not change the cause of action, so as to set up an entirely new case, foreign to the case originally set up in the plaint.”*

6.4. These principles emphasize that amendments should not be restricted by technicalities if they help in bringing all relevant issues before the Court.

Furthermore, as long as the amendment does not introduce a completely new cause of action, it should generally be allowed, especially if the addition of new parties or facts aids in the proper adjudication of the case. This Court, while considering the matter, is of the view that in order to grant comprehensive relief and ensure that all relevant parties are fairly represented, impleading the proposed parties is essential. The issues related to limitation and the documents referred to by the petitioner will be discussed and adjudicated at the time of the trial.

6.5. In the present case, the petitioners seek to implead the proposed respondents as defendants to ensure that all persons acting in concert with the original respondent are properly included in the proceedings. This will enable the Court to address all aspects of the dispute in one comprehensive trial. Considering the liberal approach towards pre-trial amendments, as highlighted in the aforementioned case, and the necessity of ensuring that all relevant parties are present before the Court for an effective adjudication, this Court is inclined to allow the petition. The petition to implead 4<sup>th</sup> plaintiff is hereby allowed.

#### **7. Result :**

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

Dictated by me to the stenographer, directly typed by her in desktop, corrected and pronounced by me in the open court, on this the 13<sup>th</sup> day of November 2025.

**DISTRICT MUNSIF  
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF  
PONNERI**

Fair/ Draft Order  
I.A.No.4/2025  
O.S.No.49/2020  
Date:13.11.2025  
DMC,PNI.