

In the Court of the District Munsif, Sathankulam.

Present. Thiru.M.Siva Rajesh, B.B.A.,L.L.B.,

District Munsif Sathankulam.

Dated:- This the 21st day of April 2026, Tuesday.

I.A.No.2/2026

in

O.S.No.80/2025

Durairaj (Age 60),

S/o.Siluvai Nadar,

Viswasapuram Door No.2/103,

Kommadikottai Village,

Sathankulam Taluk, Thoothukudi District.

... Petitioner/Defendant

/VS/

1. Sivakumar (Age 41),

S/o. Shanmugasundaram Nadar,

Veeramanikam Tiruchendur Taluk,

Thoothukudi District.

And Now at : Salpada Sector 9U-1/1 Millennium Tower

Thane, Navi Mumbai, Maharashtra State – 4000705.

... Respondent/Plaintiff

2. Prinsika (Age 28),

W/o. Inian,

Periyathazhi, West Street,

Door No.172, Padukkapathu Village,

Sathankulam Taluk, Thoothukudi District.

... Respondent/3rd Party

Legal heir of 2nd Defendant

Advocate for the Petitioner : Thiru.G.Rajan Subasis

Advocate for the 1st Respondent: Thiru.A.R.Elago

2nd Respondent : Set Exparte

Relief :-

This petition has been filed by the petitioner under Order 1 Rule 10(2) of CPC, to grant permission to implead one Princika as a party in the suit, as it is necessary for effectively adjudication of the suit.

2) Case of the petitioner :-

2.1 The petitioner states that he had, on 03.06.2020, executed a nominal sale deed in respect of the suit schedule property in favour of one Princika as security for a loan obtained from her. However, subsequently, the 1st respondent/plaintiff in the suit has obtained a registered sale deed dated 08.04.2022 from the said Princika in respect of the suit schedule property. Hence, the said Princika is a necessary and important party to the suit proceedings. However, the 1st respondent/plaintiff has not impleaded the said Princika as a party to the above suit, and the plaintiff/ 1st respondent has admitted the same during the course of his examination.

2.2 The petitioner state that the 1st respondent/plaintiff, though claiming to have purchased the suit schedule property from the said Princika, has deliberately failed to implead her as a party to the suit and has filed the suit without doing so. It was further stated that **only** if the said Princika is impleaded as a party to the suit and examined, the petitioner would be in a position to effectively establish the truth of his case before this Court. It was further stated that, if this Court does not grant permission to implead the said Princika as a party to the suit, the petitioner would suffer great hardship and prejudice. Hence this petition.

2.3 In this case, notice to the 2nd respondent was duly served. However, due to his non-appearance, the 2nd respondent was set exparte.

2.4 Further, despite sufficient opportunities being granted, the 1st respondent failed to file a counter, and hence, an exparte order was also passed against the 1st respondent.

3. Analysis and findings of this court :-

3.1 Heard. Record Perused. This petition has been filed under Order I Rule 10(2) of CPC seeking to implead one Princika as a party to the suit.

3.2 It has to be noted that the present suit is one for eviction of the defendant/petitioner from the house situated in the suit schedule property.

3.3 The Hon'ble Supreme Court in *Kasturi v. Iyyamperumal* AIR 2005 SC 2813 has clearly held that a necessary party is one without whom no effective decree can be passed, and a proper party is one whose presence enables the Court to completely adjudicate upon the matters in dispute. It was further held that a party cannot be added merely because he has some semblance of interest in the subject matter of the suit.

3.4 In the present case, the petitioner contends that he had executed a nominal sale deed in favour of the said Princika as security for a loan and that the 1st respondent/plaintiff subsequently derived title from her. However, even assuming the said contention to be true, the presence of the said Princika is not essential for deciding the core issue in the eviction suit, namely, whether the 1st respondent/plaintiff is entitled to evict the defendant from the suit property.

3.5 Further, in *Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre* AIR 2010 SC 3109, the Hon'ble Apex has held that impleadment should not be permitted so as to convert a simple suit into a complicated one involving disputes which are not directly and substantially in issue. The Court must ensure that the scope of the suit is not unnecessarily enlarged.

3.6 Applying the aforesaid principles, this Court finds that no relief has been claimed against the said Princika, nor would any decree passed in the present suit directly affect her rights. The controversy between the plaintiff and the defendant can be effectively and completely adjudicated in her absence. At best, the said Princika may be a relevant witness to speak about prior transactions, and the petitioner is at liberty to summon her during trial.

3.7 Considering the aforesaid observation, this court is of considered view that allowing the impleadment would only have the effect of enlarging the scope of the eviction

suit and converting it into a title dispute, which is impermissible in law.

3.8 In view of the aforesaid observation, this Court is of the considered opinion that the said Princika is neither a necessary nor a proper party to the present proceedings.

Accordingly, the petition is dismissed.

Dictated to the Steno-Typist, typed by her, corrected, and pronounced by me in open court on this 21st day of April, 2026.

Sd/-Siva Rajesh
District Munsif,
Sathankulam

Petitioner side witness and documents - Nil

Respondents side witness and documents -Nil

Sd/-Siva Rajesh
District Munsif,
Sathankulam

District Munsif Court, Sathankulam, IA.No.2/2026 in O.S No.80/2025 Fair/Draft Order Dated : 21.04.2026
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