

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT  
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,  
DISTRICT MUNSIF, KATPADI.**

Monday, this the 4<sup>th</sup> Day of March – 2024

**I.A.No. 01 of 2023  
In  
O.S.No. 77 of 2018  
(CNR.No.TNVL23-000111-2018)**

Arulmigu Kailasanadar and Kottaimman Temples,  
Old Katpadi, rep. by its Chairman  
K.R.Mayuranatha Gurukkal

.....Petitioner/Plaintiff

**-Vs-**

1. K.Ganesan (Died)  
2. R.Swaminathan (Died)  
3. G.Devaraj  
4. The Joint Commissioner  
H.R. & C.E. Department  
Sathuvachari, Vellore - 632 009

.....Respondents/Defendants

5. V. Perumal  
6. K.G.Srinivasan

.....Respondents/Proposed Parties

This petition is coming before me for final hearing today, in the presence of Thiru.M.Koluthungan, the Counsel for the Petitioner and 3 to 6-Respondents not filed counter and hence they were called absent and set exparte on 08.02.2024. Upon perusing the entire case records and having stood before this court for consideration till this date, this court delivers the following:

**ORDER**

This petition has been filed by the petitioner/plaintiff under Order 1 Rule 10(2) and Section 151 of Civil Procedure Code, to implead the proposed parties/respondents 5 & 6 as the defendants 5 & 6 for proper and effective adjudication in the above suit.

Records perused. This petition has been filed by the plaintiff to implead the present Dharmakartha and Nattamai as 5<sup>th</sup> and 6<sup>th</sup> defendant as the earlier Dharmakartha and Nattamai (1<sup>st</sup> and 2<sup>nd</sup> defendant) are died. Notice given to R3 to R6 but even after providing sufficient time, they failed to file their counter. On careful perusal of records, the suit is filed against defendants for permanent injunction not to put up further construction and for mandatory injunction to remove the super structure in the suit property. During pendency, of the suit, D1 and D2 who are Nattamai and Dharmakartha died and in the petition affidavit, it is stated the proposed parties were newly elected as Nattamai and Dharmakartha and they are necessary parties. Considering above this court is of the view that already added Nattamai and Dharmakartha were died and the newly elected present Nattamai and Dharmakartha are proper and necessary party and without their, no effective Judgment/Decree could be passed. Hence, in the interest of justice, this petition is allowed. No costs.

Pronounced by me in the open court, this the 4<sup>th</sup> day of March 2024.

(Sd/-).. K.Venkatesan  
DISTRICT MUNSIF  
KATPADI