



WEB COPY



C.M.P(MD)No.14610 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.10.2025

Pronounced on : 25.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.P(MD)No.14610 of 2025

in

S.A(MD)No.764 of 2024

John Selastiyen Charles

... Petitioner/Plaintiff

Vs.

1.Sahaya Ani Bala
W/o.Asilar,
10-4 Saralvilai, Villukuri Post,
Villukuri Village, Kalkulam Taluk,
Kanniyakumari District.

... 1st Respondent/Defendant

2.The Sub Registrar,
Sub Reistrar Office in Eraniel,
No.6/25, Main Road,
Eraniel – 629 802,
Kanniyakumari District.

... 2nd Respondent/
Proposed Respondent

PRAYER : Civil Miscellaneous Petition is filed under Order 1 Rule 10 of C.P.C., to implead the second respondent herein as 2nd respondent in S.A(MD)No.764 of 2024.

For Petitioner : Ms.G.Mahila

For R1 : Mr.S.C.Herold Singh

For R2 : Mrs.K.Malathi,
Additional Government Pleader



C.M.P(MD)No.14610 of 2025

ORDER

WEB COPY

This Civil Miscellaneous Petition is filed under Order 1 Rule 10 of CPC., to implead the 2nd respondent herein as 2nd respondent in this Second Appeal.

2. The brief facts of the case:

The petitioner filed a suit in O.S.No.167 of 2021 on the file of the Sub Court, Padmanabhapuram, against the first respondent for permanent injunction and to cancel the document No.226/2016, dated 18.01.2016, registered at the Sub Registrar Office, Eraniel. The first respondent contested the suit. The suit was dismissed by the trial Court on 20.06.2023 on merits. The petitioner filed the appeal in A.S.No.83 of 2023 before the Additional District and Sessions Court, Padmanabhapuram. The first appeal was also dismissed on 29.07.2024. Aggrieved by the judgment and decree of the first Appellate Court, the petitioner has filed the present Second Appeal and the same is pending.

3. The petitioner has filed this petition to implead the 2nd respondent/Sub Registrar, Eraniel, as the second respondent in this



C.M.P(MD)No.14610 of 2025

Second Appeal. The petitioner received loan from the first respondent by executing hypothecation deed on 20.11.2013 and the first respondent has also obtained the signatures of the petitioner and his son in blank stamp papers. Using the signed stamp papers, the first respondent falsely and fraudulently created a sale deed and registered it in document Nos.225/2016 and 226/2016. So, the petitioner filed the suit for cancellation of the said deed. As per the provisions of the Registration Act, for registration of deed to transfer the property, necessary documents should be produced failing which the registration department should have rejected the sale deed in question. The 2nd respondent/Sub Registrar is the key person, so he is a necessary party.

4. The first respondent has filed a counter and strongly objected this petition. The petitioner approached the first respondent's husband and proposed to lease the suit property and thereafter, to sell the same for a sum of Rs.15,00,000/-. The respondent's husband purchased the same through registered sale deed under document No.226/2016, dated 18.01.2016. The deed was properly registered at the Sub Registrar Office, Eraniel. It is mainly objected that the 2nd respondent is not a party to the suit as well as the first appeal. The Second Appeal is taken for consideration only for



C.M.P(MD)No.14610 of 2025

deciding question of law. The petitioner has filed this petition only to protract the case. Hence, the petition is not maintainable.

5. The learned counsel for the petitioner submitted that at the time of registration of document for transferring the property, the Sub Registrar has to peruse the necessary and relevant previous documents. The first respondent falsely registered the fake sale deed. To bring the real facts, the second respondent is a necessary party as per the provisions of Section 32 of the Registration Act, so the second respondent may be impleaded.

6. The learned counsel for the first respondent vehemently argued that the second respondent is not a party in the original suit before the trial Court or in the first appeal before the 1st Appellate Court. This Second Appeal is pending for deciding the question of law. At this stage, the second respondent is not the necessary party, hence, the petition is not maintainable. Therefore, the petition may be dismissed.

7. Heard both sides and perused the available records in this petition. The main suit filed by the petitioner is to cancel the document No.226/2016, dated 18.01.2016, registered at the Sub Registrar Office,



C.M.P(MD)No.14610 of 2025

Eraniel. The suit was dismissed by the trial Court and the same was confirmed by the 1st Appellate Court, now the matter is pending as second appeal before this Court. At this stage, the petitioner seeks to implead the 2nd respondent/Sub Registrar, Eraniel, as a party.

8. It is an admitted fact that the second respondent is not a party in the suit as well as in the first appeal. The petitioner pleaded that he leased out the suit property to the first respondent, but the first respondent got the sale deed registered under document No.226/2016 by using unstamped document signed by the petitioner. Whereas it is the specific case of the first respondent that initially, the petitioner approached for lease in 2013, later, he offered to sell the property and accordingly, after negotiation, the sale deed was registered in the year 2016. After adducing evidences by both sides, the Courts below negated the relief to the petitioner. Now, the petitioner seeks for impleading the 2nd respondent/Sub Registrar. The petitioner has not specifically pleaded for what purpose and for what reason the 2nd respondent/Sub Registrar needs to be impleaded. It is not the case of the petitioner that the then Sub Registrar, without verifying the person who executed the deed, has allowed for registration. Moreover, the first lease registered in the year 2013, the subsequent sale deed was executed in 2016,



C.M.P(MD)No.14610 of 2025

the suit was filed in 2021 and the first appeal was filed in 2023.

The petitioner filed this petition in 2025. So, all along from 2013, the petitioner kept mum without raising finger to add the 2nd respondent as party. Hence, this Court is of the view that the petitioner has not assigned a valid reason and averments to implead the 2nd respondent as party. The petition is devoid of merit and the same is liable to be dismissed.

9. In the result, this Civil Miscellaneous Petition is dismissed.

25.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



WEB COPY



C.M.P(MD)No.14610 of 2025

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
C.M.P(MD)No.14610 of 2025
in
S.A(MD)No.764 of 2024

25.11.2025