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A.No.6024 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 6024 of 2025

in

C.S. No. 78 of 2023

Tamil Nadu Housing Board

Represented by its Chairman, No.493, Anna Salai,
Y.M.C.A. College of Physical Education,
Nandanam, Chennai, TamilNadu - 600 035.

..Applicant(s)

Vs

1. Thangappan Mohan
S/o Thangappan, No.8/19, Taylors Road,
Kilpauk, Chennai 10.
2. Saraswathi Mohan
W/o Thangappan Mohan, No.8/19, Taylors
Road, Kilpauk, Chennai - 10
3. M.Mahesh
S/o Thangappan Mohan No.8/19, Taylors Road,
Kilpauk, Chennai - 10
4. Miritha
D/o Thangappan Mohan, Door No.4/6, Thiru
Nagar 5th Street, Vadapalani, Chennai 26.
5. Vinoth S.Keswani
S/o Shyamsunder G.Keswani, Flat No.4b,
Arihant Castle, Old No.72, New No.12,
Landons Road, Kilpauk, Chennai - 10
6. S.Sengamalam
D/o.Gowri Shahmugaasundaram, Old No.44,



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New No.31, General Muthaiya Mudali Street,
Chennai 600 079.

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..Respondent(s)

To implead the 6th Respondent as Proposed 3rd Defendant in C.S.No.78 of 2023.

For Applicant(s): M/s.C.Kalaichelvan
R.Gunasekaran

For Respondent(s): Mr.E.Hariharan for R1 to R4.
Mr.K.V.Babu for R5.
Mr.V.Ramesh for Mr.R.Ashwanth for R6.

ORDER

This Application has been filed by the 2nd defendant, namely the Tamil Nadu Housing Board, seeking to implead the proposed party as the 3rd defendant in the suit.

2. The suit is one for declaration and protection of easementary right over the suit passage. The plaintiffs claim to be the dominant heritage owners, whereas the 1st defendant is the alleged servient heritage owner. The dispute substantially concerns the right of the plaintiffs to use the suit passage and the right of the 1st defendant to obstruct the same.

3. The 1st defendant claims title to the adjacent property through the proposed party. The 2nd defendant / applicant, namely the Tamil Nadu Housing Board, states



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that it had acquired the subject property in acquisition proceedings, thereafter reconveyed the property to the proposed party pursuant to Government Orders, and that subsequently the proposed party sold the property to the 1st defendant.

4. The affidavit filed in support of the application shows that the principal grievance of the applicant is that the proposed party did not cooperate for completion of certain reconveyance formalities pursuant to G.O.Ms.No.3 dated 02.01.2023 and did not appear despite summons issued by the applicant. The proposed party, on the other hand, has taken the stand that several proceedings are still pending and that the applicant has not fully implemented the reconveyance order.

5. Therefore, it is clear that the applicant seeks the impleadment of the proposed party primarily for reasons connected with the alleged incomplete reconveyance process and the disputes between the applicant and the proposed party. Those issues are wholly extraneous to the limited controversy involved in the present suit.

6. The suit is essentially between the plaintiffs, as dominant heritage owners, and the 1st defendant, as servient heritage owner. Significantly, both the plaintiffs and the 1st defendant oppose the present application for impleadment. The plaintiffs do not seek any relief against the proposed party. Equally, the 1st



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defendant, though claiming title through the proposed party, has not sought her impleadment and is willing to defend his title independently.

7. In such circumstances, the proposed party cannot be termed a necessary party. A necessary party is one without whom no effective decree can be passed. In the present case, the Court can effectively decide the issue whether the plaintiffs possess an easementary right over the suit passage and whether the 1st defendant is entitled to obstruct the same, even in the absence of the proposed party.

8. At best, the proposed party may only be regarded as a proper party. Even assuming that certain aspects relating to acquisition proceedings, reconveyance, title flow, or Government Orders require clarification, the proposed party can always be summoned and examined as a witness by either side. The relevant records can also be produced through the officials of the Tamil Nadu Housing Board. Therefore, her presence as a party to the suit is not indispensable.

9. It is also relevant to note that the suit has already progressed to the stage of trial. If the proposed party is now impleaded, it would necessarily reopen the pleadings, require filing of additional written statement, framing of additional issues, and result in avoidable delay in disposal of the suit.

10. Though the plaintiff is ordinarily dominus litis, the Court undoubtedly possesses power to add parties for complete adjudication. However, such power



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has to be exercised sparingly and only where the Court is satisfied that the presence of the proposed party is absolutely necessary for effective adjudication.

The present case is not one such case.

11. In the above circumstances, considering the nature of the suit, the absence of any relief against the proposed party, the opposition by both the plaintiffs and the 1st defendant, the stage of the proceedings, and the fact that the applicant appears to seek impleadment for collateral reasons unconnected with the real issue in the suit, this Court is of the view that the proposed party is neither a necessary party nor a proper party to the suit.

12. Accordingly, this Application is dismissed. No costs.

21-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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