

**IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
MONDAY 30th SEPTEMBER, 2024 / 8th ASWINA, 1946**

IA No.1535/2022 IN OS No. 374/2015

Petitioner/ Plaintiff:

Madhavan Nair, S/o Kunjukrishna Pillai, aged 76 years, Ayilyam,
Thazhe Elamba, Elamba Village.

By Advocate: Smt.Lali Sunil

Counter Petitioner/ Defendant:

Vidyarani, D/o Vijayakumar, Divya Bhavan, VRA-28, Vattavila,
Kaduvayil, M.C. Road, Attingal.

By Advocate: Sri.Vakkom R.Jayaprakash

This petition filed by Adv.Lali Sunil to record the 1st defendant and to implead additional 3rd and 4th defendants having been finally heard on 30.09.2024 and the court on same day passed the following:

ORDER

This is a petition filed by the petitioner to implead the legal heirs of Defendant No.2 subsequent to the death of the 2nd defendant. The respondents filed objection contending that there is no requirement to implead the 2nd and 3rd parties as additional defendants and the 1st defendant alone has to be recorded as the legal-heir of the deceased defendant. From the arguments advanced by the learned counsels for both sides and from the petitioner and objection it can be seen that the only objection levelled is with regard to impleading the 2nd and 3rd parties. It was contended that the 2nd defendant had only life interest and hence 1st defendant who is one of the legal-heirs of the 2nd defendant. This court is of the view that even though they might not be necessary parties, they are proper parties in the suit and hence the plaintiff who is the dominus-litis can decide whether to implead a proper party or not. Hence in result, this petition is allowed.

Pronounced by me in Open Court on this the 30th day of September, 2024.

Sd/-
SWATHI.R.KRISHNAN
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

//True Copy//

Typed by: Sheena.K
Compared by: Lasitha

MUNSIFF