

**IN THE COURT OF THE MUNSIF, ATTINGAL
PRESENT: SRI. SANTHOSH KUMAR. N, MUNSIF
SATURDAY 16th MARCH, 2024 / 3rd CHAITHRA, 1946**

IA No. 03/2022 in OS No. 436/2017

Petitioners:

1. Vilasini, D/o Kunjamma, now residing at Charuvila Puthen Veedu, Cheeppu Vayal Desom, Anchal, Kollam Dist. From Valan Pacha Puthen Veedu, Aroor Desom, Kilimanoor Village, Chirayinkeezhu Taluk.
2. Sreemathi, D/o Kunjamma, residing at Valan Pacha Puthen Veedu, Aroor Desom, Pongandau, Kilimanoor Village, Chirayinkeezhu Taluk. (Died)
3. Usha, W/o Muraleedharan, Valan Pacha Puthen Veedu, Aroor Desom, Ponganadu, Kilimanoor Village, Chirayinkeezhu Taluk.

By Advocate: Sri. S. Jayachandran

Respondents:

1. Baby, D/o Suseela, residing at Sajeew Vilasom, Aroor Desom, Ponganadu, Kilimanoor Village, Chirayinkeezhu Taluk.
2. Soman, H/o Baby, residing at Sajeew Vilasom, Aroor Desom, Ponganadu, Kilimanoor Village, Chirayinkeezhu Taluk.
3. Suseela, W/o Sekharan, Valan Pacha Puthen Veedu, Aroor Desom, Ponganadu, Kilimanoor Village, Chirayinkeezhu Taluk.
4. Muraleedharan, aged 48 years, now 41 Battalion, Bhopal, Madhyapradesh, From Valan Pacha Veedu, Aroor Desom, Kilimanoor Village, Chirayinkeezhu Taluk.

D1 to D3 By Advocate: Sri. Bilahari. G. R

D4 – By Advocate: Siju Kamalasan

This petition is having been finally heard on 16.03.2024 and the court on the same day passed the following:

ORDER

The petitioners are the legal representatives of deceased 2nd plaintiff. Petitioners prays for setting aside the abatement. The 2nd plaintiff is said to be died on 21.10.2018. This petition is filed on 21.01.2022. There is delay of more than 1000 days. The reason for

delay as averred in the petition - due the grief on the demise of the 2nd plaintiff and outbreak of Covid- 19 Pandemic. Both the above reasons are not satisfactory. The respondent/ defendant resisted the petition contending that the Covid was broke out only in 2020. The objection raised is contentious. However, the suit survives as there are more than one plaintiff in the suit. Since the petitions are the Legal-heirs of deceased 2nd plaintiff, they are necessary parties to the suit. Hence petition is allowed the abatement is set aside.

Pronounced in open Court on this the 16th day of March, 2024.

Sd/-
SANTHOSH KUMAR. N
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

// True copy//

Typed by: Lasitha
Compared by: Sheena.K

SWATHI. R. KRISHNAN
MUNSIFF
(For Santhosh Kumar. N, Munsiff)