

**IN THE COURT OF THE DISTRICT MUNSIF, SULUR**

Present : **Tmt.N.Renuga.,** B.A., B.L.,

District Munsif, Sulur

Tuesday the 11<sup>th</sup> day of July 2023

**I.A.No.11/2022**

**in**

**O.S.No.718/2017**

1. Nagammal
2. Subramaniam
3. Karthikeyan
4. Vallalarajan
5. Nirmala
6. Santhamani

... Petitioners/Plaintiffs

/VS/

1. G.Ramachandran (Died)
2. G.Swaminathan (Died)
3. G.Jeyaraj (Died)
4. Janakiammal @ Ammaniammal (Died)
5. Sampathkumar
6. Sumithra
7. Nanthini
8. Deepika
9. M/s.The Christian Mission  
Services Pvt.Ltd.,
10. Pakkiyam
11. Saradhamani
12. Renugadevi

...Respondents/Defendants

...Respondent/Proposed party

This petition is coming on 19.06.2023 for final hearing before me in the presence of Thiru.G.G.Kannan, Advocate for the Petitioners and Mrs.V.R.Sangeetha, Advocate for the 9<sup>th</sup> Respondent and the 5<sup>th</sup> to 8<sup>th</sup> and 10<sup>th</sup> , 11<sup>th</sup> Respondents are called absent exparte in main suit and IA.No.10/2022 and the 12<sup>th</sup> Respondent called absent set exparte and upon perusing the records, and this court made the following:

**ORDERS:**

This petition filed Under Order 22 Rule 4 of CPC to implead the 12<sup>th</sup>

respondent as the proposed 12<sup>th</sup> defendant in the main suit.

**1. The brief averments of the affidavit filed by the petitioner as follows:**

The petition filed by the plaintiff to implead the 1<sup>st</sup> defendant's wife as a proposed defendant 12<sup>th</sup> respondent in the main suit. The children of 1<sup>st</sup> defendant already parties defendants 5 and 6 in the main suit.

**2. The brief averments of Counter filed by the 9<sup>th</sup> Respondent as follows:**

The date of death of 1<sup>st</sup> defendant is not mentioned in the affidavit. Hence this petition is lake of material facts and defective. The plaintiff ought to have obtained the particulars of date of death of 1<sup>st</sup> defendant from the 5<sup>th</sup> and 6<sup>th</sup> defendants. Hence this petition to be dismissed.

**3. Point for consideration:-**

Whether the petition under Under Order 22 Rule 4 of CPC is to be allowed?

**4. Points:-**

4.1. Heard both side perused the records. The main suit is filed by the relief of declaration and permanent injunction. During the pendency of the suit the 3<sup>rd</sup> and 4<sup>th</sup> defendants died. Hence petition under order 6 rule 17 has been pending to implead the legal heirs of them in IA.No.10/2022. During the pendency of the said petition the 1<sup>st</sup> defendant died and the summons has returned as the 1<sup>st</sup> defendant reported dead. Hence the plaintiff has taken steps to implead the 12<sup>th</sup> proposed respondent in the main suit. The son and daughter of the 1<sup>st</sup> defendant also parties as 5<sup>th</sup> and 6<sup>th</sup> defendants in the suit but they have remained exparte in main suit.

4.2. Hence the plaintiff filing this petition to implead the proposed 12<sup>th</sup> respondent as legal heir to the proceedings. The non mentioning of date of death of 1<sup>st</sup> defendant will not cause any serious injustice. Hence this petition is allowed.

***In the result, this petition is allowed. No cost.***

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 11<sup>th</sup> day of July 2023.

District Munsif,  
Sulur.

**List of witnesses and documents on Petitioner side:-**

Nil

**List of witnesses and documents on Respondents side:-**

Nil

District Munsif,  
Sulur.

Draft/Fair Order  
I.A.No.11/2022 in  
O.S.No.718/2017  
Dated : 11.07.2023.  
DMC, Sular.