

IN THE 1 ADDITIONAL DISTRICT & SESSIONS COURT

AT CUDDALORE

Present: Thiru. **S. Prakash**, B.Sc., B.L., LL.M.,
1st Additional District & Sessions Judge (FAC),

Monday, the 11th day of March, 2024

I.A.No.269/2023 & 270/2023

in O.S.No.195/2020

(CNR No. TNCD01 - 003756-2020)

I.A.No. 269 & 270/2023 :

1. Rajendiran
2. Geetha
Plaintiff

... Petitioner / 2nd

/vs/

1. Veerammal,
2. Mohanraj,
3. Muthulakshmi (Died)
4. Revathi
5. Ananthi
6. Karthikeyan
7. Elango
8. Jaya
9. Manjula
10. Vanitha
11. K. Veerattan

.... Respondents /

Defendants

12. Vasu (Died)
13. Kamala Kannan
14. Dhandapani
15. Santhi
16. Kamala
17. Selvarani
18. Prasanna Kumar
19. Hari Prasath

.... Proposed Parties

These Petitions came up before me for final hearing on 20.02.2024 in the presence of Thiru. T. Kathirvel, Advocates for the Petitioner and Thiru. M.Sivakumar, Advocate for the Respondent No.11 and Thiru. J.Anbumani, Advocate for the Respondent No.13 to 19 and other Respondents are called absent set exparte in suit itself, and upon hearing the arguments on both side and upon perusing the case records and having stood over for consideration till this day and this Court delivered the following:

COMMON ORDER

1. The Applications were filed under Order 22 Rule 9 of CPC as well as under Order 22 Rule 4 of CPC, to setaside the abatement as well as to implead the legal heirs of deceased Respondent No.3 / Muthulakshmi & deceased Respondent No.12 / Vasu as defendant No.13 to 19 in the suit.

2. Heard both sides. Petition and endorsement made by the counsel for proposed parties and case records are carefully perused and considered. During the course of enquiry the learned counsel appearing for the proposed parties made an endorsement that the relief may be allowed.

3. It is pertinent to note that the Defendant No.3 / Muthulakshmi died during the pendency of the suit. Further the Respondent No.12 and proposed Defendant No.12 / Vasu also died during the enquiry. Thereby the plaintiffs wanted to implead the proposed parties being legal representatives of the Respondent No. 3 and 12 as parties to the suit. The copy of Death Certificate of R3 / Muthulakshmi as well as Death Certificate and Legal Heir Certificate of

R12 / Vasu and are filed. Considering the nature of the relief as well as the concept of right to sue survived by the legal representatives, this Court inclined to allow these applications to meet the ends of justice.

Conclusion :

4. In the result, the Order of abatement relating to death of deceased Respondent No.3 / Muthulakshmi and deceased R12 / Vasu are setaside the legal representatives of R3 and R12 are impleaded as D13 to D19 in the suit.

// Dictated to the Steno-Typist, written and transcribed by her, corrected and additions made by me in my official Laptop and pronounced by me in open Court on this the 11th day of March 2024 //

**Sd/- S. Prakash, B.Sc., B.L., LL.M.,
I Additional District & Sessions Judge (FAC),
Cuddalore.**

I.A.No.269 & 270/2023
in O.S.No.195/2020
dated 11.03.2024.