

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V. Devapriya, B.Sc.,M.L.,
District Munsif, Madurantakam

Monday, the 8th day of January, 2024

I.A.No. 2/2022

in

O.S. No. 249/2012

- 1.Panneerselvam
2. Kumar
3. Raghu (Died)* (* Amended as per order in IA.No.5/22 dated 3.1.2023)
4. Vimala
5. Mageswari
6. Baskar
7. Elangovan
8. Renuga
9. Girija
10. Pushpa

...Petitioners/Plaintiffs

-vs-

1. Ramadoss
2. Krishnan
3. Sathiya
4. Kuppan
5. Panchappan
6. Saroja (Died)

...Respondents/Defendants

7. Parameswari
8. Anusuya
9. Amudavalli

...Respondents/Proposed Defendants 7 to 9

This petition coming up before me on 14.12.2023 for final hearing in the presence of, Thiru. M. Pugalenty, counsel for the Petitioners/Plaintiffs and Thiruvalargal. S. Subramanian, V. Ranganathan, S. Prathap counsels for Respondents 1, 3 to 6 /Defendants 1, 3 to 6 and 2nd Respondent/2nd Defendant having been called absent and set exparte in the main suit and Respondents 7 and 8/Proposed Defendants 7 and 8 having been called absent and set exparte on 21.07.2022 and 9th Respondent/Proposed 9th Defendant having been called absent and set exparte on 14.12.2023 and after hearing the arguments on both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioners/ Plaintiffs under Order XXII Rule 4 of Code of Civil Procedure, to implead Respondents 7 to 9/Defendants 7 to 9 in the above suit.

2.The averments stated in the petition in brief:

The Petitioners/Plaintiffs had filed the above suit for declaration of title and for recovery of possession. Pending suit, the 6th Respondent/6th Defendant died on 28.02.2021 leaving behind the Respondents 7 to 9/Proposed Defendants 7 to 9, as

her legal heirs. The Respondents 7 to 9 /Proposed Defendants 7 to 9 are necessary parties to the suit. Hence the petition. The period from 15.03.2020 to 28.02.2022 is the times of covid 19 pandemic.

3. The averments stated in the objections filed by the Respondents 1,3 to 6/Defendants 1,3 to 6 in brief:

This petition is not maintainable in law and on facts. The allegation stated in the affidavit are false. The 6th Respondent/6th Defendant, Saroja died long ago and hence this petition is filed only to drag on the proceedings. There is no merits in the petition. Hence this petition is liable to be dismissed with costs.

4. The point for determination is whether this petition is to be allowed or not?
5. No Exhibits marked and no witnesses were examined on both sides
6. Heard both sides and perused the records.
7. The Petitioners/Plaintiffs had filed this petition to implead the Respondents 7 to 9 in the above suit as Defendants 7 to 9, since they are the legal heirs of 6th Respondent/6th Defendant. The Respondents 1,3 to 5/Defendants 1,3 to 5 had not made any objections with regard to the legal heirs of 6th Respondent/6th Defendant. The above suit is filed for declaration of title and hence the legal heirs of the deceased party are necessary parties to the suit. Hence in the interest of justice, this court is inclined to allow this petition.

8. In the result, this petition is allowed. No costs.

Dictated to the Stenographer and transcribed and typed by him and corrected and pronounced by me in open court on this the 8th day of January, 2024

District Munsif
Madurantakam

Petitioner side Witnesses and Exhibits:

Nil

Respondent side Witnesses and Exhibits :

Nil

District Munsif
Madurantakam