

E.A.5/2025

in

EP.No.28/2020

in

OS.No.273/2015

Under Order 32 Rule 12 of CPC

14.07.2025

1. This petition is filed by the Petitioner/Plaintiff under Order XXXII Rule 12 of Code of Civil Procedure, to declare the Petitioners 2 to 4 are majors and permit them to conduct the above case.

2. The averments stated in the petition, in brief:-

The petitioner herein is the 2nd Petitioner in the execution petition. The petitioner states that the Petitioners 2 to 4 attained majority. The Petitioner states that this 2nd petitioner is Thirumalai, 24 years, the 3rd Petitioner is Gayaythiri, age 26 years, 4th Petitioner is Kanagavalli, age 22 years. Hence it is just and necessary to declare the petitioners 2 to 4 as major. If the petition is not allowed the petitioner will be put to great loss and hardship. On the other hand no prejudice will be caused to the respondent. The petitioners state that the during pendency of the suit the 1st Petitioner Karthikeyan was died on 30.05.2023 as unmarried and his mother Sumathi is the legal heir of deceased Karthikeyan who is already record as 3rd

Respondent.

3. The Respondents 1 to 3 had not filed counter and had remained exparte.

4. **The point for determination is whether this petition is to be allowed or not?**

5. No exhibits were marked and no witness were examined on both sides.

6. Heard petitioner side arguments and perused the records.

7. The petitioner submits that the Petitioners/plaintiffs had filed the suit for declaration, recovery of possession and Mandatory injunction against the respondents/defendants. The suit was decreed in favour of plaintiff's on 13.07.2017. Thereafter the present Execution Petition was filed by Petitioner/Plaintiff for deliver of suit properties. In the said Execution Petition it reveals that 2 to 4 petitioners attained major and hence this petition is filed to declare 2 to 4 petitioners as major. Therefore considering the averment in the petition this court allows this petition, in the interest of justice.

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

**Sd/-Tmt.R.Mahalakshmi
DM-cum-JM,
Cheyyur (FAC)**