

IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM

Present: Tmt. V. Udayasuriya, M.L.,
District Munsif cum Judicial Magistrate,
Natham.

Dated this Tuesday, 23rd day of August 2022
I.A. No. 122 of 2022 in Original Suit No. 102 of 2012

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| 1. Rajangam Chettiar (Died) | |
| 2. Natarajan | ... Petitioners/ Plaintiffs |
| 3. Ravi | |
| 4. Angamuthu | |
| 5. Padmavathi | |
| 6. Meena | ... Petitioners 3 to 6 /Proposed Plaintiffs 3 to 6 |
| | |
| 1. Umarani | |
| 2. Narayanan | |
| 3. Malathi | ...Respondents/ Defendants |

This petition is filed on 05.04.2022 and coming before me for final disposal on 18.08.2022 in the presence of Mr.P.Velumani, B.L., the learned counsel appeared for the petitioners and Mr. S.S.Ramasubramanian, B.Com., B.L., the learned counsel appeared for the respondents and having heard the both side arguments and perusing the documents, this court doth hereby pronounce the following,

ORDER

This petition is filed under order XXII rule 3 of the Code of Civil procedure to implead the legal heirs of the deceased 1st plaintiff as plaintiffs no. 3 to 6 in the main suit.

BRIEF AVERMENTS OF THE PETITION:

1. The 2nd petitioner stated that they filed a suit for Declaration and permanent injunction against the respondents and during the pendency of the same the 1st plaintiff Rajangam Chettiar died on 11.11.2021 leaving this petitioners 2to 6 as his legal heirs and

it is necessary to implead the legal heirs as parties to the suit. Hence, they prayed to implead the proposed plaintiffs 3 to 6, the legal heirs of the deceased 1st plaintiff as plaintiffs no. 3 to 6.

Brief averments of counter statement filed by R4 and adopted by R2, R3, R5 to R8:

2. The respondent in his reply stated and denied the contention made by the petitioners and he stated that the petitioners has not submitted the legal heirship certificate of the deceased Rajangam Chettiar and the petition is not filed within prescribed time and the petition is barred by limitation. Hence, the petition is not maintainable and prays to dismiss the application.

The point for determination is whether the petition is liable to be allowed:

3. Both side heard. The petition, counter statement and the suit documents carefully scrutinized. On scrutinizing it was come to know that the 1st Plaintiff Rajangam Chettiar died on 11.11.2021. The petitioners 2 to 6/proposed plaintiffs 3 to 6 were the legal heirs of the deceased 1st plaintiff. It was not disputed by the respondents. Therefore, this court inclined to allow this petition to implead the legal heirs of the deceased 1st petitioner/ 1st plaintiff as the plaintiffs 3 to 6 in Original Suit No. 102 of 2012.

In the result the petition is allowed. No cost.

This order is typed by me in my laptop and corrected and pronounced by me in the open court this 23rd day of August 2022.

District Munsif cum Judicial Magistrate,
Natham.

Both side oral and documentary evidence: Nil

District Munsif cum Judicial Magistrate,
Natham