

IN THE COURT OF THE SUBORDINATE JUDGE, ODDANCHATRAM

PRESENT : Thiru.C.Jayaprakash.,M.Com.,M.L.,

Subordinate Judge, Oddanchatram.

Monday, the 20th day of July 2026

திருவள்ளூர் ஆண்டு 2057 பராபவ வருடம் ஆடி மாதம் 04-ம் நாள்

I.A.No.03/2026

in

O.S.No.83/2025

Bank of India, Muthunayakkanpatti Branch,

Through its Branch Manager

... Petitioner / Plaintiff

/ Vs/

01. E.Kiruthika

02. P.Elangovan (Died)

... Respondents / Defendants

03. E.Santhi

04. P.Muthammal

... 3rd and 4th Respondents / Proposed Defendants

This petition is coming on 20.07.2026 before me in the presence of Thiru.V.Muthukumar Counsel for the Petitioner / Plaintiff and Thiru.K.Ranjithkumar counsel for R1, R3 and R2 is died and R4 is called absent set exparte and upon perusing the case records, having stood over for consideration, this court delivers the following.

ORDER

Petition filed on behalf of the Petitioner / Plaintiff Under Order 22 Rule 4 and Section 151 of C.P.C to order to implead the LR's of 2nd Respondent / 2nd Defendant.

Petitioner side enquiry heard. Copies given to other side. R1, R3 side endorsed as petition may be allowed on heavy terms. R2 is died and R4 is called absent set exparte on 17.04.2026. On perusal of records this petition has filed to Under order 22 Rule 4 of CPC to implead the LR's of 2nd Respondent / 2nd Defendant. It is settled that no one can left without heard and if any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This

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court of view that in order to give a chance to the petitioner and in the interest of justice and as per the Audi Alteram partem principle, this court inclined to allow this petition with costs.

In fine,

The Petitioner / Plaintiff to pay the cost of Rs.1,000/- (Rupees One Thousand only) to the R1, R3 on or before 30.07.2026. On failure this petition shall stand dismissed automatically. Call on 31.07.2026.

This order pronounced by me in the open court, on this the 20th day of July 2026.

(S/d–Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.

Petitioner / Plaintiff side witnesses : Nil

Petitioner / Plaintiff side Documents : Nil

Respondents / Defendants side witnesses : Nil

Respondents / Defendants side Documents : Nil

(S/d–Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.

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I.A.No.03/2026

in

O.S.No.83/2025

Bank of India, Muthunayakkanpatti Branch, Oddanchatram Taluk, Dindigul District.

Through its Branch Manager V.Naga Subramaniam, Age 33/2026, S/o.Venkatachalam.

... Petitioner / Plaintiff

/ Vs/

01. E.Kiruthika, Age 30/2026, D/o.Elangovan, Door No.84, Periyakulipatti, Puliurnatham Village and Post, Oddanchatram Taluk, Dindigul District.

02. P.Elangovan (Died), Age 55/2026, S/o.Palanimuthu, Door No.84, Periyakulipatti, Puliurnatham Village and Post, Oddanchatram Taluk, Dindigul District.

... Respondents / Defendants

03. E.Santhi, Age 51/2026, W/o.Elangovan, Door No.84, Periyakulipatti, Puliurnatham Village and Post, Oddanchatram Taluk, Dindigul District.

04. P.Muthammal, Age 75/2026, W/o.Palanimuthu, Door No.84, Periyakulipatti, Puliurnatham Village and Post, Oddanchatram Taluk, Dindigul District.

... 3rd and 4th Respondents / Proposed Defendants

Petition filed on behalf of the Petitioner / Plaintiff Under Order 22 Rule 4 and Section 151 of C.P.C to order to implead the LR's of 2nd Respondent / 2nd Defendant.

Date of Petition : 05.02.2026

Stamp on Petition : Rs.20/-

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This petition is coming on 20.07.2026 before me in the presence of Thiru.V.Muthukumar Counsel for the Petitioner / Plaintiff and Thiru.K.Ranjithkumar counsel for R1, R3 and R2 is died and R4 is called absent set exparte and upon perusing the case records, having stood over for consideration, this court delivers the following.

DECREETAL ORDER

The Petitioner / Plaintiff to pay the cost of Rs.1,000/- (Rupees One Thousand only) to the R1, R3 on or before 30.07.2026. On failure this petition shall stand dismissed automatically.

SCHEDULE OF PROPERTY

NIL

DETAIL OF COSTS

Cost List Details	Petitioner / Plaintiff Rs.	Respondents / Defendants Rs.
Stamp on Petition	Rs.20/-	
	Cost list not filed	

Given under my hand and seal of this court this the 20th day of July 2026.

(S/d-Thiru.C.Jayaprakash)

Subordinate Judge,

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ORDER

Petition filed on behalf of the Petitioner / Plaintiff Under Order 22 Rule 4(5), 9 and Section 151 of C.P.C to order to abatement for 2nd Respondent / 2nd Defendant is died.

Petitioner side enquiry heard. Copies given to other side. R1, R3 side endorsed as petition may be allowed on heavy terms. R2 is died and R4 is called absent set exparte on 17.04.2026. On perusal of records this petition has filed to Under order 22 Rule 9 of CPC to abatement for 2nd Respondent / 2nd Defendant is died. It is settled that no one can left without heard and if any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This

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court of view that in order to give a chance to the petitioner and in the interest of justice and as per the Audi Alteram partem principle, this court inclined to allow this petition with costs.

In fine,

The Petitioner / Plaintiff to pay the cost of Rs.1,000/- (Rupees One Thousand only) to the R1, R3 on or before 30.07.2026. On failure this petition shall stand dismissed automatically. Call on 31.07.2026.

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(S/d–Thiru.C.Jayaprakash)

Subordinate Judge,

Oddanchatram.

Petitioner / Plaintiff side witnesses : Nil

Petitioner / Plaintiff side Documents : Nil

Respondents / Defendants side witnesses : Nil

Respondents / Defendants side Documents : Nil

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Bank of India, Muthunayakkanpatti Branch, Oddanchatram Taluk, Dindigul District.

Through its Branch Manager V.Naga Subramaniam, Age 33/2026, S/o.Venkatachalam.

... Petitioner / Plaintiff

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02. P.Elangovan (Died), Age 55/2026, S/o.Palanimuthu, Door No.84, Periyakulipatti, Puliurnatham Village and Post, Oddanchatram Taluk, Dindigul District.

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SCHEDULE OF PROPERTY

NIL

DETAIL OF COSTS

Cost List Details	Petitioner / Plaintiff Rs.	Respondents / Defendants Rs.
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ORDER

Petition filed on behalf of the Petitioner / Plaintiff Under Section 5 of Limitation Act to order to condone the delay of 1186 days.

Petitioner side enquiry heard. Copies given to other side. R1, R3 side endorsed as petition may be allowed on heavy terms. R2 is died and R4 is called absent set exparte on 17.04.2026. On perusal of case records this petition has filed to Under Section 5 of Limitation Act to condone the delay of 1186 days. It is settled that no one can left without heard and if any order passed without giving opportunity to the other side, is against natural justice. The reasons found in the petition and affidavit is satisfied. This court of view that in

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order to give a chance to the petitioner and in the interest of justice and as per the Audi Alteram partem principle, this court inclined to allow this petition with costs.

In fine,

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Petitioner / Plaintiff side witnesses : Nil

Petitioner / Plaintiff side Documents : Nil

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SCHEDULE OF PROPERTY

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DETAIL OF COSTS

Cost List Details	Petitioner / Plaintiff Rs.	Respondents / Defendants Rs.
Stamp on Petition	Rs.20/-	
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