

IN THE COURT OF DISTRICT MUNSIF, HARUR

Present: Tmt. SRI MATHURA S, LL.M.,

DISTRICT MUNSIF, HARUR

Wednesday, 9th day of July 2025

I.A.No: 01/2025

In

O.S.No: 162/2015

R.Sabapathi (Died)

1. Ammani

2. Parimala

3. Senthilkumar

4. Kamalakannan

...Petitioners/Proposed parties

/Vs/

1. R.Palaniyappakavundar

2. Sengottavel

3. P.Duraisamy

4.Pushpa

5.Amaravathi

6.S.Santhoshkumar

7.S.Tamilselvan

8.S.Sokkalingam

9. D.Sundaramoorthy

10.D.Sureshkumar

11.Sub Registrar, Morappur

....Respondents/Defendants

This interlocutory application came for final hearing on 30.06.2025 before me in the presence of Adv. Mr.P.Raman, B.A., B.L., for petitioners/proposed parties and Adv.Mr.C.Gandhi,B.com.L.L.B, or the Respondents/defendants. Upon perusing available material records and on hearing both sides and having stood over consideration till this date, the court delivers the following.

ORDER

This interlocutory petition was filed by the petitioner/plaintiff under **ORDER 22 RULE 3 r/w SECTION 151 OF C.P.C** to implead the petitioners/proposed parties as plaintiffs No: 2 to 5 of this suit and pass such other suitable order as deem fit under the circumstances of the above suit and thus render justice.

I) The Contention of the Petitioner/Proposed parties No : 2 to 5 in brief :

1.1) The petitioner humbly submits that she is the first petitioner/proposed party, and petitioners 2 to 4 are her children. This petition is filed on behalf of all of them. The respondents herein are the defendants in the main suit. The first petitioner has filed the suit for declaration, and the present affidavit is an integral part of the plaint pleading.

1.2) The petitioner respectfully submits that this petition is filed to implead petitioners/proposed parties 1 to 4 as legal heirs of the deceased Sabapathi.

1.3) The petitioner further submits that her husband, Sabapathi, passed away on 17.01.2023, during the pendency of the case, at the stage of cross-examination of DW4, A.K. Chinnasamy. She states that she is the lawful wife of the deceased Sabapathi, and petitioners/proposed parties 2 to 4 are their children. There are no other surviving legal heirs of the deceased Sabapathi. Therefore, it is just and necessary to implead the petitioners/proposed parties as plaintiffs in the suit, as the

right to sue survives to them. Hence, the petitioners pray that this Hon'ble Court may be pleased to allow this petition.

II) The Contention of the Respondents/Defendants in brief :

2.1) The respondent humbly submits that the petitioners' contentions are false and baseless, and that the petitioner is liable to prove his claims. Except for those specifically admitted by the respondent, all the averments are denied, and the burden of proof lies on the petitioner. The petition is liable to be dismissed as devoid of merits.

2.2) The respondent humbly submits that the petitioners/proposed parties have not filed any substantive documents to establish that they are the surviving legal heirs of the deceased Sabapathi. Therefore, they are not entitled to the relief sought, and the respondent prays that the petition be dismissed.

III) Points for Consideration :

Whether the petitioners are entitled to relief as prayed for ?

IV) Discussion :

4.1) Upon careful consideration of the submissions made by both sides and the available material records, this Court observes that the present petition has been filed by the petitioners/proposed parties under Order 22 Rule 3 read with Section 151 of the Code of Civil Procedure. The petitioners seek to be impleaded as plaintiff Nos. 2 to 5, claiming to be the legal heirs of the deceased plaintiff, Sabapathi. No oral or documentary evidence has been adduced by either party in support of or in opposition to the petition.

4.2) It is, however, seen from the petition that the applicants are the wife and children of the deceased plaintiff. Although the respondent has objected to the

petition on the ground that no substantive documents have been filed to establish legal heirship, the Court is of the considered view that, in the interest of justice and to ensure effective adjudication of the dispute, the presence of the proposed parties is necessary. The absence of formal documents alone cannot defeat the claim, especially in the absence of any rival heirship claim or contrary material on record. Since the right to sue survives, and as the petitioners claim to be the legal representatives of the deceased plaintiff, their impleadment is essential for a fair and complete adjudication of the matter.

4.3) Accordingly, this Court holds that the petitioners are proper and necessary parties to the suit, and their impleadment will not prejudice the rights of the respondents but rather advance the cause of justice. Hence, this petition is allowed. No order as to costs.

V) Decision:

In Result,

This petition in I.A.No: 01/2025 is allowed. No orders as to cost.

Dictated to the Steno-Typist, typed by her in computer,
corrected and pronounced by me in open Court,
on the 9th day of July, 2025

DISTRICT MUNSIF, HARUR

Annexure

Petitioner side Evidence and Exhibits: Nil

Respondent side Evidence and Exhibits: Nil

DISTRICT MUNSIF, HARUR

I.A.No: 01/2025

In

O.S.No: 162/2015

Fair order

09.07.2025