

**IN THE COURT OF DISTRICT MUNSIF UTHANGARAI
KRISHNAGIRI DISTRICT**

**Present : Thiru. P. Sundharamoorthi, B.Com., LL.M.,
District Munsif (FAC), Uthangarai**

On this Wednesday the 16 day of July 2025

I.A.No. 03 of 2024 in O.S.No. 22 of 2021

TNKI13-000017-2021

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| 1. Sarala
2. Selvi | ...Petitioners / Plaintiffs |
| /versus/ | |
| 1. Sivalingam
2. Velmurugan
3. Tahsildar, Uthangarai
4. Revenue Divisional Officer, Krishnagiri
5. District Collector, Krishnagiri | ...Respondents 1 to 5 / Defendants |
| 6. Sivasankar | ...6 th Respondent / Proposed Party |

This interlocutory application came up before this Court on 16.07.2025 for final hearing in the presence of advocate Thiru. M. Murugesan, the learned counsel for the petitioner and advocate Thiru. S. Moorthi, the learned counsel for the 1st and 2nd respondents and the 3rd to 5th respondents were already set *ex parte* in the suit and upon hearing both sides and on perusal of records and having stood over for consideration till date, this Court delivers the following:

ORDER

The application has been filed under Order I Rule 10 of the Code of Civil Procedure, 1908 for impleading the proposed party as party to the suit.

Both side counsels present. Both side enquiry heard. This petition filed for implead the proposed respondent as defendant in suit, during pendency of this petition, R1 Sivalingam who is 1st defendant in suit was died. This proposed respondent also are of the legal heir of the deceased 1st defendant. While taking step to impleading LR of 1st defendant, this petition is omitted to add this proposed respondent as a LR of D1 due to pendency of this petition. Now this petitioner filed memo by stating this petition may be not pressed due

to infructing against R1. The respondent filed objection as this proposed respondent is a necessary party to the suit on the strength of document holder in respect of suit property as well as LR of D1.

On perusal of records petition for implead the LRs of D1 was numbered as I.A.No. 05 of 2024 with impleading this proposed respondent as party in the petition. However, petitioner mentioned this proposed respondent also LR to the 1st defendant. While this Court allowing the LR implead petition I.A.No. 05 of 2024 as ordered as follows:-

“I.A.No. 05 of 2024 is allowed and the legal representative of the deceased 1st defendant are impleaded as defendants to the suit.”

While discussing above order mentioned as follows. 2nd defendant, Vasantha, Jayammal, Saritha and one Sivasankar are legal heirs of deceased 1st defendant. A cogent reading of above discussion and order in I.A.No. 05 of 2024. This court Permitted to implead the LRs of D1. It cannot be restrict with proposed party of I.A.No. 05 of 2024. It also included Sivasankar. This petition also filed to implead the Sivasankar as defendant as mention above I.A.No. 05 of 2024 order includes Sivasankar. Hence, relief of this petition already granted in I.A.No. 05 of 2024. Hence, to avoid unnecessary delay petitioner / plaintiff directed to take steps amend the plaint for implead the names of LRs of D1 including this proposed respondent Sivasankar. This petition allowed accordingly.

This order was pronounced by me in open court on this 16th day of July 2025.

Sd/- XXXXX

District Munsif (FAC)
Uthangarai