

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil

Wednesday, on the 25th day of March, 2026

I.A. No. 7 of 2025 & I.A.No.8 of 2025 in

O.S. No.20 of 2023

CNR No.TNKK04-000049-2023

N. Babulal Chowdhri

... Petitioner/Plaintiff

-vs-

1. Gandhimathi (died)

2. A. Dunston Ramesh

3. A. Princeton @ Princeton Rajan (died)

Addl. 4. Rose Mary Shadhana Vigneshsa @ Rose Mary Princeton

Addl. 5. Elistion Nesa Raj Alphonse

Add.6. Elistion Nesa Rupan Alphonse

... Respondents / Defendants
1 to 3 & Addl. Defendants
4 to 6

These Petitions came up before me on 18.03.2026 for final hearing in the presence of Thiru. G. Lekshmikanth, Advocate for the Petitioner / Plaintiff and Thiru. N. Retnaswamy, Advocate for the 2nd Respondent, counter not filed, set exparte and Addl. 4th to 6th Respondents, called absent, set exparte and 1st and 3rd respondents were died and upon hearing petitioner side and upon perusing the

case records and having stood over for consideration, till this day, this Court delivers the following:-

COMMON ORDER

Prayer in I.A. No. 7 of 2025:

The petitioner has filed the above petition under Order 22 Rule 9 r/w Section 151 of the Code of Civil Procedure, seeking to set aside the abatement in filing the impleading petition to implead the legal representative of deceased 3rd defendant within the time stipulated.

Prayer in I.A. No. 8 of 2025:

The petitioner has filed the above petition Under Order XXII Rule 4 r/w Section 151 of the Code of Civil Procedure, seeking to implead the legal heirs of the deceased 3rd defendant Dr. A Princeton @ Princeton Rajan as additional 4 to 6th defendants in the above suit.

2) **Gist of Averments in the Petitioner's Petitions :**

The Petitioner is the plaintiff in the suit filed seeking permanent injunction restraining them from disturbing petitioner peaceful possession over the plaint schedule property other than by due process of law. The petitioner submits that the 3rd defendant in the above suit Dr. A. Princeton @ Princeton Rajan died on 20.02.2024 leaving behind the proposed parties namely his wife

1. Rose Mary Shadhana Vigneshsa @ Rose Mary Princeton and his children
2. Elistion Nesa Raj Alphonse and
3. Elistion Nesa Rupan Alphonse as his legal

heirs to succeed the above part of the plaint schedule property even though the above suit being an injunction suit, there exists apprehension of threat from the existing 2nd defendant and the proposed additional defendants are continuing on 08.07.2024 and against whom the cause of action in the suit survives and therefore they should have been brought and record in the suit within 90 days from the date of death of the 3rd defendant.

3. The petitioner submit since petitioner was not having good relations with the defendants family after fling of the above suit petitioner was unable to collect the details of the name of the legal heirs of deceased 3rd defendant it has taken this much time to obtain the details. The petitioner have shown sufficient cause for the delay of 50 days to set aside the abatement which is neither wilful nor wanton. Hence, the Petitioner filed an impleading petition along with setaside the abatement petition implead the legal heirs of the deceased 3rd defendant in the above suit as additional defendants 4 to 6 . Hence, these petitions are to be allowed.

4. The respondents were set exparte.

5) The point for consideration is whether the above petitions have to be allowed or not.

6. Heard the petitioner Counsel. Records perused. On perusal of records, the petitioner/plaintiff came to know that the 3rd defendant died 20.02.2024. Subsequently, to implead the legal heirs of the deceased 3rd

defendant, petitioner filed a petition after 50 days of delay. Due to the failure to file the petition within the stipulated time for a reason that the petitioner was unable to collect the details of the name of the legal heirs of deceased 3rd defendant it has taken this much time to obtain the details, all proceedings as against the 3rd defendant stood abated.

7. As the proceedings against the 3rd defendant have abated, petitioner was unable to implead his legal heirs. Without impleading the legal heirs of the 3rd defendant, petitioner will be able to prove petitioner's case before this court.

8. In these circumstances, this court has concluded that, in order to come to a proper conclusion regarding the suit issue, proposed parties of the 4th to 6th defendants are necessary parties. Hence, if impleaded would be proper to conduct the suit. Hence, considering the reason stated above being a sufficient caused for a delay, in order to avoid multiplicity of proceedings and for proper adjudication of the suit in the interest of justice, this court is inclined to set aside the abatement and allow these petitions in order to implead the legal heirs of the 3rd respondent / 3rd defendant. In the light of above facts and discussion this court is inclined to allow these petitions on conditional costs.

As a result,

I.A. No. 7 of 2025

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 30.03.2026. otherwise, this petition would be dismissed. Call on 30.03.2026.

I.A. No. 8 of 2025

This petition is allowed, on the condition that the petitioner shall pay a sum of Rs.500/- (Rupees Five Hundred only) payable to the Mediation and Conciliation Centre, Kanniyakumari at Nagercoil on or before 30.03.2026. otherwise, this petition would be dismissed. Call on 30.03.2026.

Dictated to the Steno-Typist directly, transcribed and typed by her in computer, corrected and pronounced by me in Open Court, this the 25th day of March, 2026.

II Additional District Munsif
Nagercoil.

Petitioner side witness & Documents : Nil

Respondents side witness & Documents : Nil

II Additional District Munsif
Nagercoil.

I.A. Nos.7, 8 of 2025
in
O.S. No.20 of 2023
Fair Order
Date: 25.03.2026.
II ADM Court, Nagercoil.