

**IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF,  
NAGERCOIL**

Present: **Thiru. R.Sundara Kamesh Marthandan, M.L.,**  
Principal District Munsif, (FAC) Nagercoil.

Wednesday, on this the 9<sup>th</sup> day of August 2023

**I.A. No. 4 of 2023**

**in**

**O.S. No. 45 of 2018**

Chandra

... Petitioner/Plaintiff

-Vs-

1. Rajmohan (Died)

2. Savarimuthu @ Ayya (Died)

3. Pitchammal

4. Josephine

5. R.Lekumi

6. R.Poorani

7. R.Parimazham

8. R.Chithra

... Respondents/Defendants

9. Addl. S.Suman

10. Addl. S.Sujin

... Proposed Addl. Defendants 9 and 10

(Additional Respondents 4 to 8 are added as per the  
order dated 21.04.2022 passed in I.A.No. 3 of 2022)

This Petition came up before me on 26.07.2023 for final hearing in the presence of Thiru.C.S.Suresh Babu, Advocate for the Petitioner/Plaintiff and the 9<sup>th</sup> and 10<sup>th</sup> Respondents/Defendants were set ex parte and upon hearing the Petitioner's Counsel and upon perusing the case records and having stood over

for consideration till this day, this Court hereby delivers the following:

### **ORDER**

1. The Petitioner had filed the above petition under Order XXII Rule 4 and Section 151 CPC seeking an order to implead the 9<sup>th</sup> and 10<sup>th</sup> Respondents as 9<sup>th</sup> and 10<sup>th</sup> Defendants in the above suit.

2. The Petitioner had stated that she had filed the above suit for permanent injunction and for other reliefs and that the 2<sup>nd</sup> Defendant had died on 27.01.2022 leaving his legal heirs namely Mr. Suman and Mr. Sujin, they have to be impleaded as parties Defendants in the suit in order to have proper and fair adjudication of the suit. Hence the above petition.

3. Further notice was served on the 10<sup>th</sup> Respondent. However he remained absent, hence he was set exparte. Paper publication was effected against the 9<sup>th</sup> Respondent. He also remained absent. Hence he was set exparte.

4. The Point for Consideration is whether the above petition has to be allowed or not?

5. The Petitioner had stated that the 2<sup>nd</sup> Defendant had died on 27.01.2022, leaving the 9<sup>th</sup> and 10<sup>th</sup> Respondents as his legal heirs. However the said fact was not disputed or denied by the Respondents. Since the Petitioner had filed the suit regarding right over the immovable property. This Court is of the considered view that the right to suit survives. Hence the legal representatives of the deceased 2<sup>nd</sup> Defendant have to be brought on recorded and that the above petition could be allowed.

In the result, the above petition is allowed. No cost.

Dictated to the Steno typist, and typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 9<sup>th</sup> day of August, 2023.

Principal District Munsif,(FAC)  
Nagercoil.

Petitioner side witnesses and documents:- Nil

Respondents side witnesses and documents:- Nil

Principal District Munsif,(FAC)  
Nagercoil.

Fair/ Draft Order  
I.A.No.4 of 2023  
in  
O.S. No.45 of 2018  
Date: 09.08.2023.  
PDM, Nagercoil.