

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

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

Saturday, on this the 21st day of January 2023

I.A. No. 10 of 2022

in

O.S. No. 93 of 2015

1. Addl. E.Jeya

2. Addl. E.Subhasini

3. Addl. E.Suriya

... Petitioners/Addl. Proposed
Plaintiffs 2 to 4

-vs-

1. Smt.Rajammal

2. S.Bala Subramanian

3. Swamikannu

4. Shanmuganathan

5. C.Muthuswamy

6. V.Geetha

7. M.Suresh Kumar

8. V.Sudha

9. S.Devenran

10. D.Kalyana Sundari

11. D.Nagam

12. D.Pappa

...Respondents/Defendants

This Petition came up before this Court for hearing on 04.01.2023 in the presence of Thiru.S.A.Kanagasabapathi, Advocate for the Petitioners/Addl. Proposed Plaintiffs 2 to 4 and the Respondents/Defendants were set exparte and upon hearing the Petitioners' Counsel and upon perusing the relevant documents and having stood over till this day for consideration, this Court delivers the following:

ORDER

1. The above petition has to be filed by the Petitioner/Proposed Plaintiffs 2 to 4 under Order XXII Rule 9 read with Section 151 C.P.C.

2. The Petitioners have stated that they are the legal representatives of the original Plaintiff Essakki who had died on 28.03.2020. Further the above suit got abated for not bringing on record the legal representatives of the deceased Plaintiff. Further the Petitioner relied on the order of the Hon'ble Supreme Court made in Suo Motu Writ Petition (Civil) No. 3 of 2020 and contended that there is no delay in taking out the above petition.

3. The Respondents were set exparte, since they have not filed their counter.

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

5. The above suit has been filed in the year 2015 seeking declartion and injunction reliefs. The original Plaintiff is said to have died on 28.03.2020 and it is stated that the Petitioners/Proposed Plaintiffs 2 to 4 are the legal heirs of the original Plaintiff. Further the Hon'ble Supreme Court by order dated 10.01.2022 made in Suo Motu Writ Petition (Civil) No. 3 of 2020 had read as follows:- *“In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual*

balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply”.

6. In view of the fact that the right to sue survives and period of Limitation had been extended by the Hon'ble Supreme Court and that the above Petition has been filed on 11.12.2020 this Court holds that the above petition has to be allowed.

In the result, the above petition is allowed. There shall be no order as to cost.

Dictated to the Steno-Typist, and typed by her, corrected and pronounced by me, in open Court this, the 21st day of January, 2023.

Principal District Munsif,(FAC)
Nagercoil.

Petitioners side witnesses and documents : Nil

Respondents side witnesses and documents : Nil

Principal District Munsif,(FAC)
Nagercoil.

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Draft/Fair Order
Date: 21.01.2023.
PDM, Nagercoil.