

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

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil.

Friday, on the 7th day of March 2025

I.A. No. 2 of 2024 & I.A. No. 3 of 2024 & I.A. No. 4 of 2024

in

O.S. No.132 of 2022

CNR.No. TNKK04-000193-2022

Rajkumar

... Petitioner/Addl. Plaintiff

-vs-

1. Tamilnadu Electricity Board,
Superintendent Engineer,
Parvathipuram, Nagercoil.

... Respondents/ Defendants

2. Ramachandran
3. Selvarengam
4. Selvarajam
5. Rathi
6. Akila

... Addl. Respondents/ Addl. Defendants

These Petitions came before this Court on 21.02.2025 for final hearing, Mr.A. Lawrence Peter Shaw, Advocate for Petitioner, Respondents were set exparte. Upon perusing the case records, having stood over for consideration, till this date, this Court hereby delivers the following:

ORDER

1. The Petitioner had filed I.A. No. 2 of 24 under Section 5 of Limitation Act and Section 151 Code of Civil Procedure seeking an order to condone the delay of 225 days in filing application to implead additional parties.

The Petitioner had filed I.A. No. 3 of 24 under Order XXII Rule 3 and Section 151 Code of Civil Procedure seeking an order to implead the Petitioner as additional Plaintiff and implead the Petitioner's mother and sisters as additional Defendants.

The Petitioner had filed I.A. No. 4 of 2024 under Order XXII Rule 9 to set aside the abatement.

2. The Petitioner had stated that the suit was filed by the Petitioner's father seeking Permanent Injunction. The Petitioner's father had died on 01.06.2023. The Petitioner, his mother Selvaratnam, his sisters Selvarajam, Rathi, Akila are his father's legal heirs. Hence for prosecuting the above suit, the Petitioner has to be impleaded as Additional Plaintiff and his mother and sisters have to be impleaded as Additional Defendants. The Petitioner had stated that, he was not feeling well. Hence he could not meet his Counsel and there occurred delay of 225 days. The same has to be condoned, failing which, the Petitioner will be put to irreparable loss. Hence the above Petitions.

3. The Respondents 3 to 6 were set the parte. The Petitioner had filed the above Petition, seeking that the 2nd Respondent had refused to receive the copy of the above Petition. The 1st and 2nd Respondents have not filed a counter. Hence they were also set exparte.

4. The point for consideration is Whether the above Petitions have to be allowed or not ?

5. Since the suit was filed seeking Permanent Injunction against the 1st Defendant and for Mandatory Injunction, upon the demise of the Plaintiff, the right to sue survives. As the Respondents were set exparte, there is no denial to the Petitioner's claim. Hence this Court is of the Considered view that the above Petitions, could be allowed on terms.

In the result,

I.A. No. 2 of 2024 is allowed on condition, the Petitioner pays a sum of Rs. 500/- (Rupees Five Hundred Only) to the 1st Respondent/Defendant on or before 01.04.2025 call on 02.04.2025.

I.A. No. 3 of 2024 is allowed on condition, the Petitioner pays a sum of Rs. 250/- (Rupees Two Hundred and Fifty Only) to the 1st Respondent/Defendant on or before 01.04.2025 call on 02.04.2025.

I.A. No. 4 of 2024 is allowed on condition, the Petitioner pays a sum of Rs. 250/- (Rupees Two Hundred and Fifty Only) to the 1st Respondent/Defendant on or before 01.04.2025 call on 02.04.2025.

Dictated to the Steno-Typist, transcribed and typed by her, corrected and pronounced by me, in Open Court this, the 7th day of March 2025.

I Additional District Munsif,
Nagercoil.

Petitioner's side witnesses and documents : Nil.

Respondents' side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

I ADM, Nagercoil
Draft/Fair Common Order
I.A.No. 2/2024 &
I.A. No. 3/2024 &
I.A. No. 4/2024 in
O.S.No.132/2022.
Date: 07.03.2025.