

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

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

Thursday, on this the 20th day of July 2023

I.A. No.5 of 2022
in
O.S. No.154 of 2020

1.M.Alphonse
2.I.Selvakumar
3.T.Thanganadar(died)
4.T.Dharmalingam
5.Mrs.Thai Nadachi
Addl.6.T.Pushpam
Addl.7.T.Selvarajan
Addl.8.T.Suresh Kumar
Addl.9.T.Thanga Arasu

...Petitioners/Proposed
Additional Plaintiffs 6 to 9

-vs-

1.R.Ponnaiah
2.P.Chenthil Murugan
3.P.Mahendrakumar

...Respondents/Defendants

This Petition came up before this Court on 04.07.2023, in the presence of Mr. Mohammed Farook, Advocate for the Petitioner/Plaintiff and Respondents called absent setexparte and upon perusing the records and having stood over till date for Consideration, this Court delivers the following:

ORDER

1. The Petitioner had filed the above Petition under Order XXII Rule 3 and section 151 CPC

2. The Petitioner had pleaded that the death of 3rd Plaintiff may be recorded and his legal representatives have to be impleaded as additional Plaintiffs 6 to 9.

3. The Petitioner had stated that the Plaintiffs have filed the above suit for Permanent Injunction regarding a 12 feet passage and that the 3rd Plaintiff is the party, who had signed the passage agreement. The 3rd Plaintiff had died on 18.01.2022, leaving his wife and three sons, as legal representatives, hence they have to be impleaded. Unless they are impleaded, the Petitioners will be put to irreparable loss.

4. The respondents have not filed counter. Hence they were ex parte.

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

6. As it could be seen that the Plaintiffs have filed the above suit seeking Permanent Injunction, restraining the defendants from obstructing the Plaintiff Schedule 12 feet passage. The Right to sue survives and it is stated that the 3rd Plaintiff had died on 18.01.2022, and that the proposed additional Plaintiffs 6 to 9 are his legal representatives and such averment is not denied or disputed by the respondents, by filing counter, this Court is of the considered view, that the legal representatives have to be impleaded.

In the result, the above Petition is allowed. No order as to cost.

Dictated to the Typist, and typed by her, corrected and pronounced by me, in open Court this, the 20th day of July 2023.

I Additional District Munsif,(FAC)
Nagercoil.

Petitioner side witnesses and documents : Nil

Respondent side witnesses and documents : Nil

I Additional District Munsif,(FAC)
Nagercoil.

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in
O.S. No.154/2020
Draft/Fair Order
Date: 20.07.2023.
IADM, Nagercoil.