

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

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

Wednesday, on the 11<sup>th</sup> day of December, 2024.

**E.A. No. 6 of 2024**

**in**

**E.P. No. 74 of 2013**

**CNR. No.TNKK04-000394-2013**

**in**

**O.S. No. 154 of 1971**

1. Elizabeth Sarojini
2. Jane Chandra Vathana
3. A. Suresh Kumar (Died)
4. Priyadharsini (Died)
5. Pramila Milbeth Suguna
6. H. Nirmala Sundara Vathana (Died)
7. Paulpillai
8. Arunpaul
9. S. Saju Amos
10. S. Viju Amos

(impleaded as per order in E.A. No. 7 of 2024  
dated 13.11.2024)

(Amended as per order in E.A. No. 5 of 2021  
dated 15.06.2023)

... Petitioners/ 1, 2, 5, 7, 8 Petitioners  
Additional 9, 10 Petitioners

-vs -

1. James Raju
2. Y. Pichai (Died)
3. S. Bagavathi (Died)
4. M. Amarthaiya (Died)
5. P. Sudalaimani (Died)
6. M. Solomon Barnabas
7. J. Anbaiah
8. Y. Rajamani (Died)
9. The State of Tamilnadu rep. by  
The District Collector,  
Nagercoil.
10. S. Swaminathan (Died)
11. Hariharan
12. Mathu
13. Yesudas
14. Subbaiah
15. Vettum Perumal
16. Rajan ... Respondents/ Respondents

This Petition came before this Court on 11.12.2024 in the presence of Mr. T.K. Mahesh, Learned Counsel for the Petitioners, Mr. C.Jhonson, Learned Government Pleader for the 9<sup>th</sup> Respondent, Respondents 2, 3, 4, 5, 6 and 8 died, Respondents 1 and 7 were set exparte and Upon hearing both sides and upon perusing the case records and having stood over till date for consideration, this Court hereby delivers the following:

**ORDER**

1. The Petitioner had filed the above E.A. No. 6 of 2024 under Section 50 and Section 151 Code of Civil Procedure seeking an order to implead the 3<sup>rd</sup> Petitioner's legal representatives as 9<sup>th</sup> and 10<sup>th</sup> Petitioners in E.A. No.126 of 2013.

2. The Petitioners have stated that the 3<sup>rd</sup> Plaintiff had died, his legal representatives are the 9<sup>th</sup> and 10<sup>th</sup> Petitioners. The Petitioners 5 to 7 are the legal representatives of the deceased 1<sup>st</sup> Plaintiff. The 8<sup>th</sup> Petitioner is the legal representative of deceased 2<sup>nd</sup> Plaintiff. The deceased 4<sup>th</sup> Petitioner, has no legal heirs. The death of the Plaintiffs were recorded before the Hon'ble High Court. In E.A. No.126 of 2013 the 3<sup>rd</sup> Petitioner who is the 7<sup>th</sup> Petitioner in E.P. No. 74 of 2023 had died on 27.07.2018. The 6<sup>th</sup> Petitioner in E.A.No.126 of 2013, who is 10<sup>th</sup> Petitioner in E.P. No.74 of 2013 had died on 12.10.2021. The 3<sup>rd</sup> Petitioner Suresh Kumar's wife namely Shakila had died on 02.02.2022. Hence the other legal representatives namely the 9<sup>th</sup> and 10<sup>th</sup> Petitioners have to be impleaded in E.A.No.126 of 2013. Hence the above Petition.

3. The 4<sup>th</sup> Respondent had filed counter stating that the above Petition is not maintainable either in law or on facts. The Petition lacks, bonafide. It is liable to be dismissed. The above Petition, filed by the Petitioner is a belated one, with the intention to prolong the suit proceedings. The Petitioners had not come before this Court with clean hands. Hence the Respondent prayed for dismissal of the above Petition.

4. Since it is stated that the death of the original Plaintiffs 1, 2 and 4 was recorded and the legal representatives were brought on record, in the proceedings before the Hon'ble High Court. The same has to be followed through, in the above Execution Proceedings also. Since the Execution Petition pertains to immovable property and the right to sue survive, the Petitioners are entitled for the Petition relief.

In the result. the above Petition is allowed.

No cost.

Dictated to the Steno-Typist, transcribed and typed by her in the Computer, corrected and pronounced by me, in open Court this, the 11<sup>th</sup> day of December, 2024.

I Additional District Munsif,  
Nagercoil.

**Petitioner's side witnesses & documents :** Nil.

**Respondents' side witnesses & documents :** Nil.

I Additional District Munsif,  
Nagercoil.

*I ADM Court, Nagercoil.  
Draft/Fair Order in  
E.A.No.6/2024 in  
E.P.No. 74/2013 in  
O.S.No.154/1971  
Date: 11.12.2024.*