

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

Present: **Tmt.M.Alima,B.A.,L.L.M.,**  
I Additional District Munsif, Nagercoil.

**Thursday, on this the 04<sup>th</sup> day of July, 2024**

**I.A. No.4 of 2020 in O.S.No.348/2015**

1. T.Chithambara Vadivoo (died)

Addl.P2. M.Gopi

...Petitioner/Plaintiff

*(Addl.P2 is impleaded as per orders in  
I.A.No.352/2017 dated 05.08.2019 and  
amendment carried out as per order in  
I.A.No.1/2019 dated: 19.12.2019)*

-Vs-

1.B.Pitchai Pillai (Died)

2.P.Chellappa Pillai

3. Vellammal

4. Bagavathy Perumal

5. Subramania Pillai

6. Meenakshi

7. Nagarajan

...Respondents/Defendants

This Petition came before me on 20.06.2024 for hearing in the presence of Mr.Subramaniam, Learned Counsel for the Petitioner/Plaintiff and Mr.T.Sriram, Learned Counsel for the 1 to 6 Respondents/defendants, the 1 to 6 respondents' Counsel endorsed "No Counter", the 7<sup>th</sup> respondent exparte on 27.02.2024. Upon perusing the case records and having stood over till date for Consideration, this Court delivers the following:

**ORDER**

The Petitioner had filed the above Petition, Under Order 22 Rule 4 Section 151 of the C.P.C. to implead the proposed parties, the legal heirs of the 1<sup>st</sup> defendant as additional defendants 3 to 7 in the suit for a just and proper disposal of the suit and in the interest of justice.

**1) Gist of Averments in the Petitioner/Plaintiff's Petition :**

The petitioner/plaintiff stated that, the petitioner is the additional 2<sup>nd</sup> plaintiff in the above suit, and he is well conversant with the facts involved in the above suit. The above suit was filed for permanent injunction and mandatory against the defendant in respect of the plaint schedule property. The above suit was filed for permanent injunction and mandatory against the defendant in respect of the plaint schedule property. The 1<sup>st</sup> defendant in the above suit died on 26.04.2020. The death of the 1<sup>st</sup> defendant has not been apprised before this court by the 2<sup>nd</sup> defendant till date. The petitioner knows that the death of the 1<sup>st</sup> defendant only now and the steps taken to implead is well within time. The 1<sup>st</sup> defendant has left behind his wife Mrs.Vellammal, sons by name 1) Bagavathy 2) Subramania Pillai 3) Chellappa Pillai and 4) Nagarajan and a daughter Meenakshi. All the persons are the legal heirs of the 1<sup>st</sup> defendant. The above suit is filed for a just a proper enjoyment of common pathway abutting the defendants property. Since the relief claimed in the plaint is attached to the immovable property of the 1<sup>st</sup> defendant, all the legal heirs of

1<sup>st</sup> defendant are necessary parties in the above suit for a just, proper and effective adjudication of the matter involved in the above suit. The impleadment of all the heirs of the 1<sup>st</sup> defendant in the above suit is just, proper and necessary. Since one of the sons of 1<sup>st</sup> defendant Chellappa Pillai is already in the party array as D2, he may not be impleaded again. Hence the petitioner prays that the petition is to be allowed.

2) The 1<sup>st</sup> to 6<sup>th</sup> Respondents' Counsel endorsed "No Counter" in this petition on 20.06.2024. The 7<sup>th</sup> respondent ex parte on 27.02.2024.

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

**4) Point:**

Heard the petitioner side. Records perused.

5) On perusal of records, the 1<sup>st</sup> defendant died on 26.04.2020 left behind his wife, Mrs. Vellammal, sons by name 1) Bagavathy, 2) Subramania Pillai, 3) Chellappa Pillai, 4) Nagarajan and a daughter Meenakshi. Since one of the sons of 1<sup>st</sup> defendant Chellappa Pillai is already in the party.

6) The 1 to 6 respondents were endorsed "No Counter" in this petition. Besides, this petition is only to implead the legal heirs of the deceased 1<sup>st</sup> defendant. Hence, in the interest of justice, this petition is allowed.

7) As a result, this petition is allowed without cost.

Dictated to the Steno-Typist, and typed by her directly in the Computer,  
corrected and pronounced by me, in open court this, the 04<sup>th</sup> day of July, 2024.

I Additional District Munsif,  
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,  
Nagercoil.

*Draft/Fair Order  
I.A.No. 4/2020 in  
O.S.No.348/2015  
Date: 04.07.2024  
I ADM Court, Nagercoil.*