

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF
PADMANABHAPURAM.**

**Present: Tmt: S. Immaculate Buddha B.Sc., L.L.M,
Additional District Munsif,
Saturday, the 02nd day of August 2025**

**I.A No. 01 of 2022
in
O.S No.10 of 2015**

1. Sarojini (Died)
2. Paul Raj (Died)
3. Selvin T. Paul
4. Pralin T. Paul

... Petitioners/Proposed Addl. Plaintiffs 3 and 4

/Vs. /

Santha Pushparaj

... Respondent/Defendant

This petition is coming before me for final hearing in the presence of Mr. C. Dennison, learned counsel for the petitioner/proposed Addl. Plaintiffs 3 and 4 and respondent/defendant called absent and set exparte. Upon hearing the counsel of both side and on perusal of the records stood over for consideration till this day, this court delivers the following :

ORDER

This petition is filed Under Order IX Rule 9 Under Section 151 of Civil Procedure Code to pass an orders to restore the suit dismissed for default on 05.08.2019 and thus render justice.

2. THE AVERMENTS IN THE PETITION IN BRIEF :-

i) The petitioner/ 4th Addl. Plaintiff in the above suit. He is well acquainted with the facts on the case and is filing this petition on his own and on behalf of the proposed 3rd additional plaintiff, who is his elder brother. His mother (plaintiff) died on 08.02.2019, leaving behind her husband S. Paulraj. Subsequently, the said S. Paulraj also died on 30.09.2021. Selvin P. Paul is his only elder brother. The deceased plaintiff has no other legal representatives except the above said two persons. Hence, they are to be implead as Additional. Plaintiffs 3 and 4 in the above suit as the legal representatives of deceased plaintiff. The sudden demise of his father and mother, he was much affected mentally and physically. He was laid up with fever and, due to the same, he was not able to move about from 25.08.2019. He was unable to meet his advocate and made necessary arrangements to implead the legal heirs of his deceased parents. After getting recovery from his illness, he met his advocate and made necessary arrangement to implead the legal representatives of his deceased parents, though there was delay due to covid-19 pandemic.

ii) He met his advocate on 16.03.2022 and enquired about the case. Only then he was informed about the death of his parent, and that the

suit itself had been dismissed for default on 05.08.2019. Then he was advised to file a petition to condone the delay and to implead the legal representatives of the deceased plaintiff as Additional plaintiff 3 and 4, and set aside the abatement. He came to know about the dismissal of the suit only on 16.03.2022. Under the above circumstances, the suit had abated, and there was a delay of about 985 days in filing the petition to implead the legal heirs of the deceased plaintiff. If the delay is not condoned, the petitioner will be put to great loss and hardship. Hence, this petition.

3. Respondent called absent and set exparte.

4. POINTS FOR DETERMINATION:

Whether the petitioner/plaintiff is entitled to the relief as prayed for or not?

5. DISCUSSION AND ANALYSIS :-

Heard both side learned counsel. Records perused carefully,

i) The petitioner states that the 1st plaintiff is his mother and 2nd plaintiff is his father. Both are deceased, so this petitioner and his

brother should be added as proposed additional 3rd and 4th plaintiffs. Due to Covid 19 and other family circumstances he could not inform the advocate about the death of his parents, so the suit was dismissed for default for not impleading the legal heirs of plaintiff. So this petition is filed to restore the suit.

ii) The respondent has no counter. The petitioner has produced the medical history of his mother. On considering the medical conditions of the 1st plaintiff and Covid-19 period, giving one more opportunity is given to the petitioner to restore and conduct the case. Hence, this petition is allowed with a cost of Rs.1,500/- payable to Mediation Centre, Padmanabhapuram on or before 13.08.2025.

6. DECISION:

In the result, this petition is allowed.

Dictated to the Steno-Typist directly, typed by her in computer, corrected and pronounced by me in open court, on this 02nd day of August 2025.

Additional District Munsif,
Padmanabhapuram.

Petitioner side documents :-

1. Ex.P.1	-	07.02.2019	-	Original Discharge Summary of SUT Hospital Pattom, Thiruvananthapuram District, Kerala state.
2. Ex.P.2	-	14.01.2019	-	Original records from the Regional Cancer Centre, Thiruvananthapuram along with Palliative Care medication chart, Thiruvananthapuram District, Kerala state.
3. Ex.P.3	-	17.07.2017	-	Copy of the Discharge summary of NIMS hospital, Thiruvananthapuram District, Kerala state.
4. Ex.P4	-	30.05.2006	-	Original Discharge summary of PRS hospital, Thiruvananthapuram District, Kerala state.
5. Ex.P.5	-	19.10.2008	-	Original Discharge summary of KIMS Hospital, Thiruvananthapuram District, Kerala state.

Respondent side documents :-

- Nil -

Additional District Munsif,
Padmanabhapuram.

ADMC,
Padmanabhapuram.
I.A.No.01/2022 in O.S.No.10/2015
Draft/Fair Order:
Dt: 02.08.2025.