

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF KANCHEEPURAM
KANCEEPURAM DISTRICT**

**PRESENT: Tmt.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram**

On Thursday, this the 11th day of August 2022

IA.No.1 of 2022

In

O.S.No.491 of 2001

1. Thangammal (died)

...Petitioner/Plaintiff

2. Gnanasammantham

3. Venkatesan

4. Rubagandhi

5. Dilligandhi

...Proposed parties/ 2 to 5 Plaintiffs

/Versus/

1. Yadhava Sangam,

rep by its President Sri.Rajipillai

2. Yadhava Sangam,

rep by its Ex.President A.Murugan

3. Jayalakshmi

...Respondents/Plaintiffs

This petition having coming up on 04.08.2022 this day for final hearing before me in the presence of Thiru.G.Ravikumar, advocate for the petitioners and 1 and 3 Respondents are called absent and set exparte and Thiru.P.K.Thevarajan, G.Pandurangan and V.Vimalanathan, advocates for the 2nd respondent and upon hearing the enquiry of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. The petitioner filed this petition under Order 22 Rule 3 and Section 151 of CPC to order to implead the proposed parties/2 to 5 plaintiffs in the above suit.

2. **The case of the 2nd petitioner as stated in his affidavit is as follows:-**

The petitioner submitted that the 2nd petitioner is the 2nd proposed party/ 2nd plaintiff in the above suit and the petitioner know the facts of the case very well. The 2nd petitioner's wife namely Thangammal has filed a suit against the defendants for declaration of title of the suit property infavour of her and for consequential permanent injunction against the defendants their men, or agents restraining them from in anyway interfering with the plaintiffs peaceful possession and enjoyment of the suit property and the above suit is posted for marking of documents by the other side DW's on 14.02.2022 and when the above suit is pending 2nd proposed party/2nd plaintiff's wife namely the plaintiff was died on 01.02.2022 leaving behind the 2nd proposed party/2nd plaintiff and her sons the 3 to 5 plaintiffs as her only legal heirs to succeed her estate and liabilities. The 2nd proposed party/2nd plaintiff submitted that itself and his other legal heirs the 3 to 5 plaintiffs is to be impleaded as proposed parties/ 2 to 5 plaintiffs in the above suit to contest the case. Hence this petition.

3. The 2nd respondent filed his counter and the gist of the same is as follows:-

The Respondent denies all those allegations except that are expressly admitted in this counter. The respondent submitted that the above application is filed only to protract the proceedings. The relief claimed in the petition is not maintainable in law and on facts. The petitioner is not entitled for the relief as prayed in the petition before this court. There are no merits or bonafide or cause of action and there is no prima facie or balance of convenience in filing this petition.

4. Point for determination:-

whether this petition is to be allowed or not?

The Point:

5. Heard both sides and perused the records.
6. The proposed parties are the legal heirs of one deceased Thangammal. When the suit is pending, the plaintiff Thngammal died. The petitioners are her legal heirs. Therefore they want themselves to be impleaded as plaintiffs 2 to 5 in main suit.
7. The 2nd respondent filed counter, but he did not dispute the petitioners' relationship with the plaintiff. The suit is for declaration and consequential permanent injunction. Therefore the petitioners have cause of action to continue the suit in the place of deceased plaintiff. Therefore, this petition can be allowed.

8. In the result this petition is allowed and the proposed parties are permitted to be impleaded as Plaintiffs 2 to 5 in the main suit. No Cost

Dictated to the steno-typist, who directly typed the same in her computer, corrected and pronounced by me in open court, this the 11th day of August 2022.

Sd/-R.Rajeswari
PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM