

**IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.**

**Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,**

Thursday, the 12<sup>th</sup> day of June 2025

**I.A.No.4/2024**

**in**

**O.S.No.124/2019**

1. N.Subaitha Beevi
2. Ayisha
3. Shakila Banu
4. Jamila Banu
5. Samsath
6. Hafiba
7. Rasitha Begum
8. Shalka Beevi
9. Samsudeen(died)
10. Nalla Mohamed
11. Aliyar
12. Samsunisha
13. Rajamohammed
14. Nallama Beevi
15. Rahimad Beevi

.....

Petitioners / Plaintiffs

// Vs //

1. A.Dhavamani
2. A.Maharajan
3. A.Katchammal(died)
4. P.Panchavarnam
5. S.Latha
6. M/s.S.F.Builders Private (Exonerated)  
Limited represented by its Sathak Ansari
7. Ali Fathima (died)
8. Abbas(died)
9. Sardhar Batcha
10. Sharmila Banu

..... Respondents /Defendants

1. Salka Beevi
2. Naina Mohammed
3. Samsu Beevi
4. Yasmin

..... LR's of 9<sup>th</sup> Plaintiff/Proposed  
16<sup>th</sup> to 19<sup>th</sup> Plaintiffs

1. A.Fathima
2. A.Thameez Ahamed
3. A.Thanish Ahamed

..... LR's of 8<sup>th</sup> Defendant/Proposed  
11<sup>th</sup> to 13<sup>th</sup> Defendants

This petition coming on 15.04.2025 for final hearing before me in the presence of Advocate.Thiru.S.Thangaraj, Advocate for the petitioners and Advocate.Thiru.N.Vallinayagam, Advocate for the 1<sup>st</sup> and 2<sup>nd</sup> respondents and Advocate.Thiru.V.Palani, Advocate for the 4<sup>th</sup> and 5<sup>th</sup> respondents and 3<sup>rd</sup> respondent was died and 6<sup>th</sup> respondent was exonerated and 7<sup>th</sup> to 10<sup>th</sup> respondents called absent set exparte in main suit on 07.07.2017 and upon hearing both side and on careful perusal of case records, documents and arguments on both sides and having stood over for consideration till this day, this court delivered the following:-

### ORDER.

This petition has been filed Under Order 22 Rule 4 and Section 151 of CPC pass an order to implead the proposed parties as legal heirs of deceased 8<sup>th</sup> defendant in O.S.No.124/2019 on the file of this court.

#### **1. Brief averments of the petition :-**

The petitioner herein is the 1<sup>st</sup> plaintiff in the main suit. The petitioner had filed the main suit for declaration and permanent injunction against the Respondents/Defendants and the plaint may be read as part and parcel of this affidavit. During the pendency of the suit 8<sup>th</sup> Defendant M. Abbas was died on 16.06.2022 and leaving behind the proposed parties herein as his legal heirs. So that they have to be implead as parties in the proceedings for affective trial. The legal heir certificate of deceased M. Abbas received now only. The petitioners

prays to pass an order to implead the proposed parties as legal heirs of deceased 8<sup>th</sup> defendant in O.S.No.124/2019 on the file of this court. Hence this petition has to be allowed.

**2. Brief averments of the counter affidavit filed by the Respondents/Defendants :-**

The 2<sup>nd</sup> respondent herein is the 2<sup>nd</sup> defendant in the suit. The 2<sup>nd</sup> respondent filing this counter affidavit for himself and on behalf of 1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup> respondents who are his brother and sisters of the 2<sup>nd</sup> respondent. This application is not maintainable either under law and liable to be dismissed in limine. The petitioners without establishing that the proposed parties alone are legal heirs of 8<sup>th</sup> defendant, are not entitled to get relief in this application. The mere production of legal heir certificate will not establish the legal heirs of deceased 8<sup>th</sup> defendant. The alleged legal heirship certificate is not conclusive. Hence this petition has to be dismissed with costs.

**3. The point for consideration aroused is that:-**

*Whether the petition has to be allowed or not?*

**4. Point.**

Both sides heard. Records perused. The 8th defendant/respondent died and the proposed legal heirs of the deceased 8th defendant have been arrayed as proposed 11<sup>th</sup> to 13<sup>th</sup> defendants in the main suit. This suit has to be done in order to avoid further complications in the suit.

**5. Result:-**

*In the result, this petition is allowed. No costs.*

Dictated to the Steno - Typist, and typed by her in office computer, corrected and pronounced by me, this the 12<sup>th</sup> day of June 2025.

**Sub Judge,  
Melur.**

**BOTH SIDES OF THE DOCUMENTS AND WITNESS:- NIL**

**Sub Judge,  
Melur.**

**Fair/Draft Order  
in  
I.A.No.4/2024  
in  
O.S.No.124/2019  
Dt : 12.06.2025  
Sub court, Melur**