

IN THE COURT OF THE DISTRICT MUNSIF, KUMARAPALAYAM

Present: Selvi. T. Naveena B.com, LL.B (Hons.),

District Munsif,

Kumarapalayam.

Wednesday the 21th day of January 2026

IA.No.04/2025

IN

O.S. No.282/2020

1. Valliammal (died)

2. Palanisamy

3. Azhagumani

4. Chandran

5. Lakshmi

6. Rajendiran

...

Petitioners/Plaintiffs

/Vs/

1. Pappathi

2. Ramasamy (Died)

3. Natarajan (Died)

4. Somasundaram

5. Thilagavathi

6. Nagammal

7. Manimegalai

...

Respondents/Defendants

8. R. Krishnaveni

9. B. Menaka

10.N. Dhanapal

...

Respondents/Proposed
Parties & Legal heirs of
3rd defendant

This petition came for final hearing before this court on 12.01.2026 in the presence of Thiru. V. S. Arunganesh, Advocate for the Petitioners/Plaintiffs and

Thiru. K. Udhayakumar, Advocate for the 1st Respondent/1st Defendant and Respondents 4 to 7/ Defendants 4 to 7 were set exparte, and Respondents 8 to 10/Proposed Parties & Legal heirs of 3rd defendant were set exparte and Respondents 2 to 3/ Defendants 2 to 3 have died, and upon perusal of material records and having stood over for consideration till this date, this court delivers the following:

ORDERS

This petition has been filed Under Section 5 Limitation Act,

1. BRIEF FACTS OF THE PETITION WOULD RUN AS FOLLOWS:

The petitioners have filed the above suit for partition, declaration, permanent injunction and other reliefs against the respondents in the suit. During the pendency of the suit, the 3rd defendant namely Natarajan died on 30.01.2024 leaving behind his wife R. Krishnaveni, daughter N. Menaka and son N. Dhanapal as his legal heirs. Due to non-availability of legal heirs' particulars, the petitioners were not in a position to taking steps immediately to implead the legal heirs of the 3rd defendant.

Since the suit is filed for partition, declaration and injunction, the legal heirs of the deceased 3rd defendant are necessary parties to the suit. The petitioners are taking steps to implead the legal heirs of the deceased 3rd defendant Natarajan for proper and effective adjudication. Therefore, there is a delay in taking steps and the delay is neither negligent nor careless and it was beyond the control of the petitioners. Hence, the petitioners prayed to pass orders condoning the delay of 495 days in filing the petition under Order 22 rule 9 and to receive the same after condoning the said delay and prayed to allow the petition.

2. BRIEF FACTS OF THE COUNTER STATEMENT FILED BY THE 1ST RESPONDENT WOULD RUN AS FOLLOWS:

The 1st respondent denied the allegations made by the petitioners except those admitted as true. The petitioners have filed this petition to implead the legal heirs of 3rd defendant after a delay of about 1 year with intent to delay the proceedings of the suit. The reasons stated by the petitioners is false. Hence the 1st respondent prayed to

dismiss the petition.

3. **ISSUES:** Whether or not the delay of 495 days caused in filing a petition to implead the legal heirs of the deceased 3rd defendant be enlarged?

4. **DISCUSSION:**

Heard. Records perused. The petitioners have filed the above suit for partition and separate possession, permanent injunction and other reliefs against the respondents. The present petition has been filed by the petitioners to condone the delay of 495 days that had been caused in filing a petition to implead the legal heirs of the deceased 3rd defendant to the suit. The contention of the petitioners is that pending suit, the 3rd defendant namely Natarajan had died on 30.01.2024 leaving behind his wife R. Krishnaveni, daughter N. Menaka and son N. Dhanapal as his legal heirs and that due to non-availability of legal heirs' particulars, the petitioner were unable to take steps immediately to implead the legal heirs of the 3rd defendant. The contention of the 1st respondent is that the petitioners have caused wanton delay in impleading the legal heirs of the 3rd defendant.

In order to decide the present petition, it must be ascertained whether the petitioner has provided this court with sufficient causes for the delay of 495 days caused in filing a petition to implead the legal heirs of the 3rd respondent to the suit. The reason stated by the petitioner that the petitioners were unable to take steps due to non-availability of legal heirs' particulars and that the delay was beyond the control of the petitioners is not a sufficient reason to condone the delay of about 495 days. However, no prejudice would be caused to the respondents if the above petition is allowed and also in order to avoid multiplicity of proceedings and to bring finality to the litigation, this court is of the opinion that the delay of 495 days shall be condoned and the prescribed period to file a petition to implead the legal heirs of the 3rd defendant shall be extended. Considering the delay caused, costs is imposed.

In the result, this petition is ALLOWED. A cost of Rs.1000/- shall be paid to the respondent on or before 23.01.2026 failing which this petition shall stand

dismissed automatically. call on 28.01.2026.

Dictated by me to the Steno-Typist and has been typed in the computer directly, corrected and pronounced by me in the open Court on 21th day of January 2026.

District Munsif,
Kumarapalayam.

PETITIONER SIDE DOCUMENTS

NIL

RESPONDENT SIDE DOCUMENTS

NIL

District Munsif,
Kumarapalayam.

Fair Orders
I.A. No: 04/2025 IN
O.S. No: 282/2020
Dated: 21.01.2026