

**In the Court of District Munsif, Mudukulathur**

**Present : Ms.J.C.Aparna, B.A, L.L.B.,**

**District Munsif,**

**Mudukulathur.**

**Wednesday the 29<sup>th</sup> day of April 2026**

**I.A.No.4/2025**

**in**

**O.S.No.19/2022**

1. Soundharavalli (Died)

2. Bagavathi

3. Rani

4. Packiyavalli

5. Packiyam

6. Indhumathi

7. Manikandan

8. Manimegalai

9. Saranya

.... Petitioners/Plaintiffs

*/VS/*

1. Petchiyammal

2. Muthuramalingam

.... Respondents/Defendants

3. Govindhammal

4. Varun Chellaya

5. Ramesh

..... Respondents/

Proposed 3 to 5 Defendants

This petition came on 18.04.2026 before this court for a final hearing in the presence of Thiru.S.Chandrasekaran, Learned Counsel for the Petitioners/Plaintiffs, Thiru.S.Periyasamy, Learned Counsel for the 1, 2 Respondents/1,2 Defendants and 3 to 5 Respondents/ Proposed 3 to 5 Defendants are set exparte and and upon hearing petitioner side enquiry and upon perusing the material records and having stood over till this day for consideration, this court delivered the following:

**ORDER**

This petition has been filed under Order 22 Rule 4 of CPC prays to bring the legal heirs of deceased 1<sup>st</sup> plaintiff.

**2. The contention of the Petitioners/Plaintiffs in brief:-**

The petitioner is the 3<sup>rd</sup> plaintiff in the main suit. He files this petition for himself and on behalf of the other petitioners/plaintiffs. It is submitted that the 1<sup>st</sup> plaintiff died on 06.08.2024. It is further submitted that the 1<sup>st</sup> defendant and proposed 3 to 5 defendants are the legal heirs of the deceased 1st plaintiff. Hence this petition is filed to bring them as 3 to 5 defendants. Unless the petition is allowed, the petitioner will be put to serious loss and hardships.

**3. Brief averments of the 1, 2 Respondents/1,2 Defendants in brief:**

The 1,2 respondents states that the averments made in the petition are false and the petition is neither maintainable under law nor on facts. The petitioners have intentionally omitted to implead Shailaja @ Laksmi Ammal, Sugapriya and Sundaramoorthi who are also the legal heirs of the deceased 1<sup>st</sup> plaintiff. The petition is filed to drag on the suit. Hence this petition may be dismissed with cost.

**4. Point for consideration:-**

Whether the petition be allowed and the relief be granted as prayed for?

No documents filed on either side. Summons was effected to the 3 to 5 respondents and they remained set exparte. Heard petitioner side enquiry and the petition was reserved for orders by granting liberty for 1,2 respondents side enquiry on or before 27.04.2026. After giving sufficient opportunities, 1,2 respondents counsels did not enquire the matter. Available records perused.

**5. Answer to the Point:-**

5.1. The learned counsel appearing for the petitioners/plaintiffs contended that the 1<sup>st</sup> plaintiff died on 06.08.2024. It is submitted that the proposed 3 to 5 respondents are the legal heirs of the deceased 1st plaintiff. Hence this petition is filed to bring them as 3 to 5 defendants.

5.2. To the contrary, the learned counsel appearing for the 1, 2 respondents contended that the averments made in the petition are false and the petition is neither maintainable under law nor on facts. The petitioners have intentionally omitted to implead Shailaja @ Laksmi Ammal, Sugapriya and Sundaramoorthi who are also the legal heirs of the deceased 1<sup>st</sup> plaintiff. The petition is filed to drag on the suit. Hence this petition may be dismissed with cost.

5.3. Heard the rival contentions put forth by both side counsels. Perused the records available before this court. By considering the nature of the application to implead the legal heirs of the deceased 1<sup>st</sup> plaintiff and seeing that condone delay and abatement set aside petitions have been allowed, this court is of the view that unless this petition is allowed, no effective decree can be passed. As to the contentions of the 1, 2 respondents/1, 2 defendants stating that the petitioners/plaintiffs have failed to implead certain legal heirs of 1<sup>st</sup> plaintiff, the petitioners/plaintiffs being the dominies litis cannot be forced to add parties. Failure to array the proper and necessary parties are to their own risks and any decree passed will only bind the parties to the suit. The respondents do not have any valid objections and they will not be prejudiced if this petition is allowed. Hence this petition is allowed.

6. In the result, this petition is allowed since cost already imposed in I.A No.02/2025, no order as to costs.

Directly typed by me in my official laptop and formatted by Steno Typist, corrected and pronounced by me in open court on this 29<sup>th</sup> day of April 2026.

**District Munsif,  
Mudukulathur.**

**Both sides witnesses and documents : Nil**

**District Munsif,  
Mudukulathur.**