

In the Court of District Munsif, Mudukulathur

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

District Munsif,

Mudukulathur.

Tuesday the 17th day of March 2026

I.A.No.7/2025

in

O.S.No.41/2023

1. Minor.Ramadas(Died)

2. Minor.Nagaraj

.... Petitioners/Plaintiffs

(The minor plaintiffs rep.through their father
and next friend Muthuramalingam)

3. Muthuramalingam

4. Poomayil

Proposed 3, 4 Plaintiffs

/VS/

1. Kannusamy

2. Ganeshboopathi

..... Respondents/Defendants

This petition came on 12.03.2026 before this court for a final hearing in the presence of Thiru.S.Chandrasekaran, Learned Counsel for the Petitioners/Plaintiffs, Thiru.S.Arighandran, Learned Counsel for the 1st Respondent/ 1st Defendant, 2nd Respondent/2nd Defendant set exparte and upon hearing both sides 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 3 of CPC prays to bring the legal heirs of deceased 1st plaintiff.

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

The petitioner is the plaintiff's guardian and 3rd proposed plaintiff in the main suit. He submits that the 1st plaintiff died on 21.02.2025. It is submitted that the proposed 3,4 plaintiffs are the legal heirs of the deceased 1st plaintiff. Hence this petition is filed to bring them as plaintiffs. Unless the petition is allowed, the petitioner will be put to serious loss and hardships.

3. Brief averments of the 1st Respondent/ 1st Defendant in brief:

The 1st respondent/ 1st defendant states that the averments made in the petition are false and the petition is neither maintainable under law nor on facts. The petition is filed belatedly 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. Heard both sides.

5. Answer to the Point:-

5.1. The learned counsel appearing for the petitioner contended that the 1st plaintiff died on 21.02.2025. It is submitted that the proposed 3,4 plaintiffs are the legal heirs of the deceased 1st plaintiff. Hence this petition is filed to bring them as plaintiffs.

5.2. To the contrary, the learned counsel appearing for the 1st respondent contended that the averments made in the petition are false and the petition is neither maintainable under law nor on facts. The petition is filed belatedly 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 1st plaintiff, this court is of the view that unless this petition is allowed, no effective decree can be passed. This court already allowed set aside abatement petition in I.A No 6/2025 on 04.03.2026. The respondents do not have any valid objections and they will not be prejudiced if this petition is allowed. Hence this petition is allowed.

7. In the result, this petition is allowed since cost already imposed in I.A No.06/2025, 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 17th day of March 2026.

**District Munsif,
Mudukulathur.**

Both sides witnesses and documents : Nil

**District Munsif,
Mudukulathur.**