

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Saturday, the 19th day of July, 2025

I.A.No.10/2025

in

O.S.No.25/2016

Karu. Aathiyappan

...Plaintiff

2. Backiyam
3. Surya narayanamoorthy
4. Renuka devi
5. Kasturi
6. Baskaran
7. Sugandra
8. Narayanan

...Petitioners/Proposed 2 to 8 Plaintiffs

-Vs-

1. Karu.Lekshmanan
2. Saraswathi
3. Velusamy
4. Pushpavalli
5. Natchammai
6. Meenakshi

... Respondents/Defendants

This petition is coming before me for final disposal in the presence of Thiru.S.Sornaprakash learned advocate for the Plaintiff, R1 was died, whereas R2 to R6 was set Ex-parte on 09.07.2025. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order XXII Rule 9(2) of CPC

1. The averments in the petition are as follows:

The petitioner is the proposed eighth plaintiff in the main suit. The plaintiff Aathiyappan in the main suit is the petitioner's father. The plaintiff has died on 12/11/2022. The deceased plaintiff had two wives, his first wife, Backiyam and her legal heirs, Surya narayanamoorthy, Baskaran, Renuka devi, Kasturi, along with the second wife of the plaintiff Sugandra, her son, the petitioner are the legal heirs. He prays that it is important to add the legal heirs of the deceased plaintiff in the main suit. Hence, he prays for the abatement to be set aside.

2. The averments in the counter are as follows:

The respondents have become ex-parte. Hence, no counter was filed.

3. Now the question to be decided is whether the petition has to be allowed or not?

Petition perused. Enquiry heard. The petition has been filed by the legal heirs of the deceased sole plaintiff to set aside the abatement in the main suit and to be added as plaintiffs in the main suit. The respondents have not filed a counter and has become ex-parte. Since the sole plaintiff in the main suit has died and it is important to add the legal heirs of the sole plaintiff as plaintiffs in the main suit for the suit to be continued and the respondents have not contested the same, it is necessary to set aside the abatement in the main suit. Hence, in the interest of justice, this petition is allowed and no cost.

4. Decision

In the end, this petition is allowed and no cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open court on 19th day of July 2025.

**Sd/- Tmt.R.Premi
District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioners/Plaintiffs-Nil-

List of documents on the side of the Petitioners/Plaintiffs -Nil-

List of witnesses on the side of the Respondent/sDefendants-Nil-

List of documents on the side of the Respondents/Defendants-Nil-

**Sd/- Tmt.R.Premi
District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.10/2025

in

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Dated: 19.07.2025

Draft/Fair Order
