

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT: Thiru. A. DHARANIDHARAN, B.Sc., M.L., M.A., LL.M.

District Munsif, Devakottai
Friday, the 18th day of June, 2021

I.A. 99/2016
in
O.S. No. 37/2013

K. Naachammai

Petitioner/Plaintiff

Vs

1. Su. Paapamal
2. Su. Muniammal
3. Su. Indrani
4. Su. Santhi
5. Su. Ramasami
6. Su. Gandhi
7. Kadhiresan (Died)
8. Ra. Rajendran
9. Ra. Kuppammal
10. Na. Veluthevar
11. Na. Subramanian
12. Ve. Ramanathan (Died)
13. Ve. Kaarmegam

14. Ve. GanesanRespondents/Defendants
15. Rajamani
16. Surya
17. Jaya
18. Valli
19. Sankar
20. Kumar
21. Samidurai 18 to 21 Proposed parties

This petition having been finally heard on 18.03.2021 in the presence of Mr. K. Premchander, the learned counsel for the Petitioner/Plaintiff and in the absence of the Respondents and the Counsel for the respondents for over a year, and after perusal of the entire records and having stood over for my consideration till this day, this Court delivers the following:

ORDER

The petition was filed by Petitioner/Plaintiff under Order 22 Rule 3 and Sec 151 of Civil Procedure code, to cause the legal representatives of the deceased D12 to be made as parties and to pass such other orders that this Hon'ble Court deem fit and proper in the Circumstances of the petition.

- 2. The averments set out in the petition/affidavit filed by the petitioner are as follows:**

2.1 The Petitioner states that originally suit has been instituted for partition over the suit property. The 5th defendant died and I.A. 262/113 was filed to include the legal heirs of 5th defendant and it was allowed. The 7th defendant Kathiresan died when the case is pending before this Court. The legal representative of Kathiresan who were aware of the case which is pending before this Court did not inform about his demise and didn't file petition to include them as legal representatives. The other defendants were also not keen enough to submit the same. When the petition was filed for adding the legal representatives of 7th defendant, the affidavit filed by the respondents stated that Kathiresan died on 26/10/2011 and abatement due to his death and the I.A. 262/2013 was also dismissed by the Court.

2.2 The petitioner further states that the legal representatives of 7th defendant were necessary parties and they must be added as 15, 16 and 17 proposed defendants. Similarly the 12th defendant died and the petitioner states that the date on which the 12th defendant died was not mentioned and his legal representatives 18 to 21 should be added as proposed parties for seeking the relief.

2.3 The petitioner further states that it is necessary to added 18 to 21 defendants as proposed parties and adding them does not cause any prejudice to the other defendants.

The Counter of the respondents was originally posted on 19/12/19 and since then the respondents have failed to file their counter for over a year and there was no representation for several occasions. This Court has provided adequate chances to the respondents and this Court has decided to pass orders on 18/03/2021 and after

the restricted functioning of Subordinate Courts due to COVID pandemic, this Court has taken up the matter when it came for orders today.

4. Now the point for consideration is whether the petitioner is entitled to get the relief as prayed for?

5. No oral or documentary evidence was adduced on the side of the Petitioner/Plaintiff.

6. No oral or documentary evidence was adduced on the side of the Respondents/Defendants.

The respondents were continuously absent for more than a year and there was no representation since 11/02/2021 and this Court has finally decided to pass orders as the respondents didn't show interest to appear or represent before this Court. Hence this Court is inclined to allow this petition as prayed for to add D18 to D21 as proposed parties in the interest of Justice.

In the Result, this petition is allowed. No costs.

This Order was directly typed by me in my official laptop, corrected by me and pronounced by me in the open Court on this the 18th day of June 2021.

**Sd./- A. Dharanidharan,
District Munsif,
Devakottai**

Annexures:

List of witnesses on the side of the Petitioner/Plaintiff
NIL

List of documents on the side of the Petitioner/Plaintiff
NIL

List of witnesses on the side of the Respondents/Defendants
NIL

List of documents on the side of the Respondents/Defendants
NIL

**Sd./- A. Dharanidharan,
District Munsif,
Devakottai**

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