

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS,
PERIYAKULAM.

Present: Tmt.S.Sameena, B.A. L.L.B.,
Additional District and Sessions Judge,
Periyakulam.

Monday, the 06th day of January 2025.

CNR.No.TNTH09 000076 2019

IA.No.04/2023

- in -

AS.No.09/2019

- in -

OS.No.300/2003

-

1. Ravikumar S/o. Late. Muniyandipillai,
aged about 59 years and residing at
Pillamar Street, Vadugapatti Village,
Periyakulam Taluk, Theni District.
2. Avudaithangam **(Died)** S/o. Late. Muniyandipillai. ... **Petitioners/
Appellants/
2nd and 8th defendants**

// Vs. //

1. Muniyandi **(Died)** S/o. Nadarajapillai. ... **1st respondent/
1st respondent/
plaintiff**
2. Muniyandipillai **(Died)** S/o. Muthusamypillai. ... **2nd respondent/
2nd respondent/
1st defendant**
3. Senthil **(Died)** S/o. Muniyandipillai.

4. Balamurugan S/o. Muniyandipillai **(Deleted)**.
5. Amsavalli @ Pongothai W/o. Rajarigam **(Deleted)**.
6. Muthuvel (Died) S/o. Muthusamypillai **(Deleted)**.
7. Saroja W/o. Muthuvel **(Deleted)**.
... 3rd to 7th respondents/
3rd to 7th respondents/
3rd to 7th defendants
8. Amsavalli @ Poongothai W/o. Rajarigam,
aged about 45 years and residing at
Door No.4C, Siva Pavanam,
Kaliyammann Kovil Street, Madurai District.
9. Logambal W/o. Selvaraj,
aged about 45 years and residing at
Pillamar Street, Vadugapatti Village,
Periyakulam Taluk, Theni District.
10. Muthuvel **(Died)** S/o. Muthusamypillai.
11. Saroja **(Died)** W/o. Muthuvel.
12. Krishnaveni W/o. Senthil,
aged about 45 years and residing at
Pillamar Street, Vadugapatti Village,
Periyakulam Taluk, Theni District.
... 8th to 12th respondents/
8th to 12th respondents/
9th to 12th defendants
13. Vasumathi D/o. Muthuvel,
aged about 42 years and residing at

Plot No.291, 13th Street, Periyar Nagar,
Korattur, Chennai.

... 13th respondent/
13th respondent

14. Balamurugan S/o. Muniyandipillai,
aged about 35 years and residing at
Plot No.291, 13th Street, Periyar Nagar,
Korattur, Chennai.

... 14th respondent/
proposed party

This petition came up for hearing before me on 03.01.2025 in the presence of Mr.S.G.Sundar Raja, Learned Counsel for the petitioners and Mr.R.Gnanagurusamy, Learned Counsel for the 1st respondent and upon perusing the petition and upon hearing both sides and having stood over for consideration till this day, this Court Delivered the following...

ORDER

This petition is filed by the petitioners/appellants/2nd and 8th defendants under Order 22, Rule 9 Cr.P.C. and Section 151 Cr.P.C. to implead one M.Balamurugan as 14th respondent are the legal heir of deceased 2nd petitioner/2nd appellant/8th defendant.

2. In the petition it is stated that, the mother Avudaithangam died on 23.11.2022 and her legal heirs are already on record as 8th and 9th respondents. The proposed party M.Balamurugan has been added as party in the appeal and later has been deleted from the array of parties. Now since the 2nd appellant died and the proposed party M.Balamurugan being one of the legal heir has to be impleaded as 14th respondent in the appeal.

3. The 1st respondent/1st respondent/plaintiff filed counter contending that, the petition is vexatious and has filed only to drag on the proceedings.

Heard both sides.

4. Point for consideration:

1. Whether the petition can be allowed ?

Point No.1.

5. This petition is filed by the 1st appellant to implead the legal heirs of deceased 2nd appellant as additional 14th respondent in the appeal.

6. The petitioner has filed Legal Heirship Certificate dated 09.08.2023 of Avudaithangam W/o. Muniyandi, who in the 2nd appellant in this appeal. In the Legal Heirship Certificate it is stated that the proposed party M.Balamurugan is one of the legal heir of the deceased Avudaithangam apart from the petitioners and daughters Poongothai and Logambal who are already on record as respondents. Hence, this court is of the considered view that the proposed party has to be impleaded as additional respondent and this petition is to be allowed.

7. **In the result the petition is allowed** and the proposed party M.Balamurugan is impleaded as 14th respondent. No cost.

Dictated by me, directly typed by Steno-Typist into computer, corrected and pronounced by me in the open Court, this the **06th day of January 2025.**

(Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.

Petitioners side Witness and Documents: Nil.

Respondents side Witness and Documents: Nil.

(Sd./- S.Sameena)
Additional District And Sessions Judge,
Periyakulam.