

IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE,
TIRUPPUR.

Present: Tmt. V. Sree Vidya, M.L.,
Principal Subordinate Judge, Tiruppur

Thursday, the 26th day of March, 2026

I.A.No. 3 /2025
OS.No.105/2012

Mary Varghese @ V.V. Mary ... Petitioner / Plaintiff

Vs.

1. C.V. Kunjani
2. Prema Varghese
3. V.V. Omana
4. V.V.Prabha

... Respondents / Defendants

On 06.03.2026, the petition came up before me in the presence of Thiru. S.Kumaran, Counsel appearing for the petitioner and Thiru.A.T.Sathiyamoorthi, Counsel appearing for the 2nd respondent, 1st respondent reported dead and the respondents No.3 and 4 having remained exparte and upon perusing the connected records, having stood over for consideration, this Court delivers the following:

ORDER

This petition is filed under Order 22 Rule 3 of the Code of Civil Procedure to order to implead the petitioner and the defendants 2 to 4 as the recognized legal heirs of deceased 1st defendant in the above suit.

Date:26.03.2026

PSJ Court, Tpr.

I.A. No.3 /2025 in
OS. No.105/2012

2. Case of the Petitioner/ Plaintiff in brief reads as follows:-

The petitioner herein is the plaintiff in the suit and she had filed the suit for partition against the respondents / defendants. During the pendency of the suit, the 1st defendant viz. the mother of the petitioner and the respondents 2 to 4 herein had died on 15.10.2017 leaving behind them, their father had already died and they are alone the legal heirs of the deceased 1st defendant. The defendants No.2 to 4 were already party to the suit and hence, the petition.

3) The Point for consideration is

Whether the petitioner and the respondents No.2 to 4 are to be ordered as the recognized legal heirs of the deceased 1st defendant in the suit or not?

5) No oral or documentary evidence was let in from both side.

6) POINT:-

Both side heard. Records perused. Suit is for partition. The petitioner is the plaintiff whereas the respondents herein are the defendants in the main suit. It is the case of the petitioner / plaintiff that pending suit, the 1st defendant viz. the mother of the petitioner and the respondents 2 to 4 herein had died on 15.10.2017 leaving behind them, their father had already died and they are alone the legal heirs of the deceased 1st defendant, the defendants No.2 to 4 were already party to the suit and hence, has come forward with the present petition.

The 1st respondent was reported dead and though the respondents No.3 and 4 were served with notice, they remained exparte in the petition filed u/s. 5 of the Limitation Act.

7) Fair opportunity is to be given to the respective parties to establish their case. No pre-judice would cause to the respondents / defendants in allowing the petition. By considering the facts and circumstances and that no

objection was raised by the respondents, this court is inclined to the implead the petitioner and the respondents 2 to 4 who are already on record as the legal heirs of the deceased 1st respondent in the main suit and accordingly, point is answered.

In result, the petition is allowed.

Dictated to the Steno-typist, typed by her as directly on Computer, corrected and pronounced by me in the open Court, dated this the 26th day of March, 2026.

Principal Subordinate Judge,
Tiruppur.

List of witnesses & exhibits on both sides: Nil

Principal Subordinate Judge,
Tiruppur.

Draft / Fair Order
I.A. No.3/2025
OS No.105/2012
Dt:26.03.2026
PSJ Court, Tiruppur.