

E.A.No.26/2022, E.A.No.12/2019, E.P.No.06/2015

O.S.No.473/1994

Date: 01.08.2023.

Orders pronounced in open court,

- 1) This petition has been filed by the petitioner to implead the LRs of the deceased 5th respondent Under Section 50 of CPC.
- 2) The case of the petitioner is that he has filed E.A.No.12/2019 claim petition and during the pendency of the same 5th respondent died on 29.03.2021. Hence this petition to implead the Lrs of 5th respondent.
- 3) R7, R10 and R12 to R14 remained exparte for not filing counter.
- 4) Counter of R2 to R6 filed and adopted by R9. The respondents denied the averments that the reasons stated by the petitioner are all false. The contention of the petitioner is not supported by any documents. Hence prayed for dismissal.
- 5) No witnesses and documents were examined on both sides. The petitioner failed to argue and heard the respondents 1 to 6 and 9. Material on records perused.
- 6) The point that has to be decided in this petition is,

Whether the petition is to be allowed or not?

7. Discussion

7.1.This court carefully considered the rival contentions raised by both sides. The Execution petition is filed by Respondents 1 to 6 and in which E.A.No.12/2019 is filed by the petitioner herein Under Section 47 of CPC. The petitioner herein claims that the 5th respondent died on 29.03.2021 and the proposed parties are the Legal heirs in order to execute the decree the legal heir is to be added as parties.

7.2. This court deems fit that no prejudice will be caused to the respondents is allowing the application and for proper adjudication of the case this court deems fit this petition is to be allowed.

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

Directed by me to typist, typed by her checked, corrected and pronounced by me in Open Court on 01.08.2023.

District Munsif,
Dharapuram.

Petitioner and Respondent side Witnessess:- Nil

Petitioner and Respondent side Documents:- Nil

District Munsif,
Dharapuram.

E.A.No.12/2022, E.P.No.06/2015

O.S.No.473/1994

Date: 01.08.2023.

Orders pronounced in open court,

- 1) This petition has been filed by the petitioners to implead the Lrs of the deceased 5th respondent Under Section 50 of CPC.
- 2) The case of the petitioners is that they have filed E.P.No.06/2015 for delivery of possession and during the pendency of the same 5th respondent died on 29.03.2021. Hence this petition to implead the Lrs of 5th respondent.
- 3) R1, R3, R5 Counter not filed.
- 4) Counter of R4 filed. The respondent denied the averments that the reasons stated by the petitioners are all false. The contention of the petitioner is not supported by any documents. The 9th respondent is minor but it is mentioned as major. Hence prayed for dismissal.
- 5) No witnesses and documents were examined on both sides. The petitioner failed to argue and heard the respondents 3 and 5. Material on records perused.
- 6) The point that has to be decided in this petition is,

Whether the petition is to be allowed or not?

7. Discussion

7.1.This court carefully considered the rival contentions raised by both sides. The Execution petition is filed by Respondents 1 to 6. The petitioner herein claims that the 5th respondent died on 29.03.2021 and the proposed parties are the Legal heirs in order to execute the decree the legal heir is to be added as parties.

7.2. This court deems fit that no prejudice will be caused to the respondents is allowing the application and for proper adjudication of the case this court deems fit this petition is to be allowed.

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

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District Munsif,
Dharapuram.

Petitioner and Respondent side Witnessess:- Nil

Petitioner and Respondent side Documents:- Nil

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