

IA No.731/2021

Date:16-09-2021

in

OS No. 22/2015

Order pronounced in open court.

Records perused.

The petitioners who are the LRS of the deceased plaintiff prays to condone the delay in filing petition to implead them as parties, on the death of plaintiff. It is stated by the petitioners that they were not aware about this case as they were not informed about it. It is also that the son and wife of the plaintiff died subsequent to his death. Hence, the petition.

Per contra, the respondents denied the averments by stating that the age of the plaintiff at the time of filing suit is 85 and hence the plaintiff could not act on his own. Reason for delay days not properly explained. Hence pray for dismissal.

This court carefully considered the rival contentions raised by both sides. It is stated by the petitioners that the son of the plaintiff died in the year 2017 and wife of plaintiff died in the year 2019. Since the petitioners are the daughters in law and grandchildren of the plaintiff, the reason stated by them might be a bonafide one. Since the right to sue survives, this court feels that granting an opportunity to the petitioners will avoid multiplicity of proceeding and will put an end to litigation in total. But the delay caused to be compensated.

In the result,

1.this petition will be allowed on payment of cost of Rs. 1000/- (one thousand only) to the respondents on or before 29-09-2021, failing which this petition will automatically stands dismissed. Call on 30-09-2021

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.

Petitioner and Respondent side Witnesses and Exhibits: Nil

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.

IA No.737/2021

Date:16-09-2021

in

OS No. 22/2015

Order pronounced in open court.

Records perused.

The petitioners who are the LRS of the deceased plaintiff prays to set aside the order of abatement passed against the deceased plaintiff. It is stated by the petitioners that they were not aware about this case as they were not informed about it. It is also that the son and wife of the plaintiff died subsequent to his death. Hence, the petition.

Per contra, the respondents denied the averments by stating that the age of the plaintiff at the time of filing of suit is 85 and hence he could not act on his own. Reason for delay days not properly explained. Hence pray for dismissal.

This court carefully considered the rival contentions raised by both sides. It is stated by the petitioners that the son of the plaintiff died in the year 2017 and wife of plaintiff died in the year 2019. Since the petitioners are the daughters in law and grand children of the plaintiff, the reason stated by them might be a bonafied one. Since the right to sue survives, this court feels that granting an opportunity to the petitioners will avoid multiplicity of proceedings and will put an end to litigation in total. But the delay caused to be compensated.

In the result,

1.this petition will be allowed on payment of cost of Rs. 500/- (Five Hundred only)to the respondents on or before 29-09-2021, failing which this petition will automatically stands dismissed. Call on 30-09-2021

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.

Petitioner and Respondent side Witnesses and Exhibits: Nil

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.

IANo.736/2021

Date:16-09-2021

in

OS No. 22/2015

Order pronounced in open court.

Records perused.

The petitioners who are the LRS of the deceased plaintiff prays to implead them as legal heirs of the deceased plaintiff. It is stated by the petitioners that they were not aware about this case as they were not informed about it. It is also that the son and wife of the plaintiff died subsequent to his death. Hence, the petition.

Per contra, the respondents denied the averments by stating that the age of the plaintiff at the time of filing of suit is 85 and hence he could not act on his own. Reason for delay days not properly explained. Hence pray for dismissal.

This court carefully considered the rival contentions raised by both sides. It is stated by the petitioners that the son of the plaintiff died in the year 2017 and wife of plaintiff died in the year 2019. Since the petitioners are the daughters in law and grand children of the plaintiff, the reason stated by them might be a bonafied one. Since the right to sue survives, this court feels that granting an opportunity to the petitioners will avoid multiplicity of proceedings and will put an end to litigation in total. But the delay caused to be compensated.

In the result,

1.this petition will be allowed on payment of cost of Rs. 300/- (Three Hundred only)to the respondents on or before 29-09-2021, failing which this petition will automatically stands dismissed. Call on 30-09-2021

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.

Petitioner and Respondent side Witnesses and Exhibits: Nil

Sd/- S.Agnes Jeba Kiruba,
District Munsif,
Dharapuram.