

IN THE COURT OF THE DISTRICT MUNSIF JUDGE, PALLADAM

**Present:- Thiru. V. Kalidasan, B.Com., L.L.M.,
District Munsif, Palladam.**

Monday the 12th day of August 2024

I.A. No.2/2023

in

O.S.No.12/2015

M.Mariyammal

...Petitioner/Plaintiff

/Vs/

1. K.Deivasigamani,
2. N.Karuppusamy (died)
3. R. Jeevananthan
4. K. Ananthi
5. Rajkumar
6. Nachammal

...Respondents 4 to 6/Proposed Defendants

The petitioners filed this petition Under Order I Rule 10(2) and Section 151 of CPC to implead the respondents 4 to 6 as defendants 4 to 6 in the suit.

This Petition is coming on 12.08.2024 for final hearing before me in the presence of Thiru.P.P.Sureshkumar, B.A., B.L., Advocate for the Petitioner and Thiru.S.Arunkumar, B.A., B.L., Advocate for the Respondents. Upon perusing the Petition, affidavit, counter statement and other connected material papers of record and hearing the arguments of both sides and having stood over till this day for consideration, this court made the following...

ORDER

1. The case of the petitioner is that during pendency of the suit the 2nd respondent died intestate by leaving behind the respondent 4-6 as his legal heirs on 03.01.2023. Hence, the respondent 4-6 are just and necessary parties to decide the case on merits. Hence, the respondents 4-6 are to be impleaded as defendants 4-6 in the suit. Hence, this petition.

2. The case of the respondents herein is that it is true that the 2nd respondent died intestate on 03.01.2023. The subject matter of the suit was already decided against the petitioner in the judgment in O.S.No.188/2018 dated 07.09.2019 before the Hon'ble Subordinate Court, Palladam. Hence, this suit itself is not maintainable. Hence, this petition is also not maintainable and liable to be dismissed.

3. Points for consideration:

Whether this petition will be allowed or not ?

4. Heard both sides. No oral or documentary evidence is let in by both sides.

5. Answer to the point :

Materials on records perused. It is seen from the records the suit in O.S. No.12/2015 has been filed for declaration and consequential Permanent injunction. This petition has been filed to implead the respondents 4 to 6 as defendants 4 to 6 in the suit.

6. On considering the both side submissions and on perusing the records the respondents herein have not raised any serious objection to allowing this petition to implead the legal heirs of the deceased 2nd defendant. It is admitted that the 2nd defendant was died during pendency of the above suit leaving behind the respondents 4 to 6 as his legal heirs. Since, this petition only to implead the legal heirs of the party to the proceedings, allowing this petition will not cause any prejudice to the respondents. Hence, this Court is inclined to allow this petition.

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

Dictated to Steno - Typist, and typed directly in computer and corrected & pronounced by me in open Court, on this 12th day of August 2024

**District Munsif,
Palladam.**