

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.
I Additional District Judge,
Tirunelveli.

Monday, the 03rd day of November 2025.

I.A. No. 05/2025 in A.S. No. 82/2022

1. Saral @ Thara
2. Selvi @ Mariyaselvi ... Petitioners/Appellants/Plaintiffs

// Versus //

1. Devaashirvatha Nadar (Died)
2. Anbu Nagar
3. Raj
4. Balagan
5. Inbam ... Respondents/Respondents/Defendants
6. Rani
7. Kumar
8. Ilango ... Respondents/Proposed Respondents
6 to 8 (Legal heirs of Devaashirvatha Nadar)

This petition came up before this court on 28.10.2025 for a final hearing in the presence of Thiru. K.Sankararaman, Advocate for the Petitioners and Thiru. K. Selvarj, Advocate for the Respondents No. 3 to 8, and the 2nd Respondent called absent, set exparte and upon hearing both sides' arguments and upon perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. This petition has been filed under Order-22 Rule-4 and Section 151 of the

C.P.C to implead the proposed respondents as the legal heirs of the deceased 1st respondent, as detailed set out in the petition, with costs.

2. The brief averments in the petition are as follows:-

The 2nd petitioner is the 2nd appellant in the appeal and the 2nd plaintiff in the suit. She filed an affidavit on behalf of the 1st petitioner. The 2nd petitioner filed the appeal against the Decree and Judgment in O.S. No.83/2013 on the file of the Subordinate Judge, Ambasamudram, dated. 19.01.2022. On pending the appeal, the 1st respondent died on 01.02.2025 and leaving his legal heirs of the 3 to 5 Respondents, and Proposed parties 6 to 8 Respondents, and the 2nd Respondent as his wife. So the proposed parties are necessary in the appeal. Hence, the petition is filed to implead the proposed parties as the 6th to 8th respondents in the appeal.

3. The brief averments of the counter filed by the 3rd to 8th respondent is as follows:-

The petition is not maintainable either in law or on the facts. The respondent denied the allegations contained in the affidavit, except for the admitted facts. In this regard, the application for amendment is unnecessary. This respondent was not aware that the proposed parties of the 6 to 8 respondents are the legal heirs of the deceased 1st respondent. The petitioner filed this petition to drag the case. Hence, the petitioner should prove the allegations with the documents. Hence, the petition may be dismissed with costs.

4. The Point for determination in the petition is:

Whether the petition can be allowed?

5. During the enquiry, no evidence was adduced and no documents were marked on both sides.

6. Answer to the Point: -

(i) Heard both sides. This court carefully perused the affidavit and counter and case records.

(ii) On perusal of the records, the appeal is pending for arguments. The counsel for the respondent reported that the 1st respondent died on 01.02.2025. So, the appellant has filed the petition to implead the proposed parties 6 to 8 respondents as the legal heirs of the deceased 1st respondent.

(iii) Even though the respondents were not aware of the legal particulars, the proposed parties have not opposed the petition. As per the nature of the appeal, the right of property should be decided. However, this court would like to decide the case on the merits with the necessary parties. Hence, this court would like to allow this petition by the interest of justice.

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

This order is directly dictated to the Steno-typist, typed by her in a computer, corrected and pronounced by me in the open Court, on this the 03rd day of November 2025.

1st Additional District Judge,
Tirunelveli.

The petitioner side witnesses and documents: Nil

The respondents' side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli
DRAFT / FAIR ORDER
IA No. 05/2025 in
AS No.82/2022
Dated: 03.11.2025