

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHEYYAR

THIRUVANNAMALAI DISTRICT

Present :- **Tmt. K. Naleeni, B.com B.L (Hons), M.L.,**
Principal District Munsif, Cheyyar,
Thiruvannamalai.

Saturday, the 2nd day of August, 2025

I.A.No.07/2024 in O.S.No.146/2021

Perumal,

Represented by his Power Agent Anbu

... Petitioner/Plaintiff

V.

1. Santhappan

2. Santhanam (Died)

3. Mahalakshmi

4. Bhuvaneshwaran

5. Seenivasan

6. Minor. Dharani

(Represented by her Guardian and
Mother, the 3rd defendant Mahalakshmi).

... Respondents/3 to 6 Respondents
are Legal heirs of deceased 2nd Respondent

This petition is coming before me on 31.07.2025 for final hearing in the presence Thiru.M.S.Sankarapandian, Learned Advocate for the petitioner and Thiru.B.Ramadoss and Thiru.K.Elumalai, learned Advocates for the 1st Respondent, 2nd Respondent having reported died and 3 to 6 Respondents were being called absent and set exparte and upon hearing both sides and after careful perusal of the entire case records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This Petition has been filed under Order XXII Rule 4 of Code of Civil Procedure, 1908 to **implead the Legal Heirs** of 2nd Defendant.

2. BRIEF AVERMENTS OF THE PETITION AS FOLLOWS:

The Petitioner is the Power agent of Plaintiff in the suit OS.No.146/2021. The petitioner states that during the pendency of the suit, the 2nd Respondent/Defendant- Santhanam has died on 02.08.2024. The petitioner further states that, the 3 to 6 Respondents are the legal heirs of the deceased 2nd Respondent. Hence it is necessary to implead them as Legal heirs of the 2nd Respondent. If the petition is not allowed the petitioner will be put to loss and hardship. Hence, the present petition is filed under **Order XXII Rule 4 of Code of Civil Procedure, 1908 to implead the Legal Heirs** of 2nd Defendant.

3. BRIEF AVERMENTS OF THE COUNTER FILED BY THE 1ST RESPONDENT AS FOLLOWS:

The Respondents state that the petition filed by the Petitioner is false, frivolous, not maintainable either on question of law or on facts and is liable to be dismissed. The respondent contends that that the petitioner is aware of the death of the respondent. However, this was not reported to the Court. The petitioner has filed the petition in the Court only after the 1st respondent informed the Court that the 2nd respondent had died. Hence, he prayed to dismiss the petition with costs.

4. POINT FOR CONSIDERATION :

The sole point to be considered by this Court is whether the present petition can be allowed or not?

5. No oral or documentary evidence was adduced on both side.

6. DETERMINATION :

Heard both sides and Records perused.

On perusal of the records, it is seen that the Petitioner is the Power agent of Plaintiff in the suit OS.No.146/2021. The petitioner states that, the during pendency of the suit the 2nd Respondent Santhanam has died on 02.08.2024. The petitioner further states that, the 3 to 6 Respondents are the legal heirs of the deceased 2nd Respondent. Hence it is necessary to implead them as Legal heirs of the 2nd Respondent. Hence, the present petition to implead the Legal Heirs of the 2nd Defendant. Notice was duly served to the Respondents and no serious objection has been raised disputing their status or opposing their impleadment.

As per **Order 22 Rule 4** of the Code of Civil Procedure, 1908, whenever the defendant dies and the right to sue survives, then the plaintiff must take steps to implead the legal heirs of the deceased defendant. According to **Article 120** of the Limitation Act, 1963, an application to implead the legal heirs must be filed within the period of **90 days from the date of death**.

In the present case at hand, the said Respondent/defendant was reported to be died on 02.08.2024 and the petition was filed on 11.09.2024 which is well within the period of limitation. Thus, the present petition has been filed within time and there is no delay on the side of the Petitioner in filing this petition. Further, there is no serious objection on the side of the contesting Respondent in allowing this petition or as to status of the legal heirs to be impleaded. Also, the main suit is in the stage of Arguments as the defendant side evidence is closed. The right to sue survives against the said legal representatives of the deceased and the persons to be impleaded are the legal heirs of the Defendant and hence, in the interest of justice and also for proper adjudication of suit and also to avoid multiplicity of proceedings, this petition is allowed.

Accordingly, this petition is hereby allowed and the above persons are to be impleaded as 3rd-6th Defendants being the Legal Representatives of the deceased 2nd Defendant in the suit by amending the cause title. No costs.

7. RESULT:

In the result, this petition is hereby allowed. No order as to costs.

Dictated by me to the Steno typist, directly typed by her, corrected and pronounced by me in open court, on this the 2nd day of August, 2025.

Principal District Munsif,
Cheyyar.

8. List of Witnesses:

On the side of the Petitioners : NIL

On the side of Respondents : NIL

9. List of Documents :

On the side of the Petitioners : NIL

On the side of Respondents : NIL

Principal District Munsif,
Cheyyar.