

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

Present : Tmt.R.Mohana, B.L.,

Subordinate Judge, Lalgudi

Dated Tuesday, the 26th day August 2025

I.A No.20/2024 in OS.No.150/2020

(CNR.No.TNTP180005132020)

Priyanka

.....Petitioner/plaintiff

- Vs -

1. P. Balasubramanian (Died)

2. Prasannia

3. N. Ambigapathy (Died)

4. Akileshwari

5. A. Jiswant Nadesh

6. Laxhmeeharan

7. B. Jeyanthi

....Respondents/defendants

This petition came up before this court for final hearing on 29.07.2025 in the presence of the Learned Counsels Thiru.K.Jayaraman- advocate for the petitioner and of Thiru.Haribaskar - advocate for the 4 to 6 respondents and 1st and 3rd respondent died and 2nd and 7th respondents remained exparte and heard both side and upon perusing the case records and having stood over for consideration before this court till this day, today this court hereby delivers the following. . .

ORDER

1. The petitioner/plaintiff has filed this petition under Order 22 Rule 9 CPC, to set aside the order of abatement.

2. The Learned Counsel for the petitioner/plaintiff has placed his submission that the 1st defendant who is none other than the father of this petitioner/plaintiff and he has

passed away on 13.01.2024 leaving behind his wife and the petitioner and her sister Prasanna as his legal heirs and the said sister Prasanna is already on record as 2nd defendant.

3. It is further submitted that due to the illness of the petitioner, she was not able to report to this Court about the status of death of his father/1st defendant and due to the above said reason the petitioner has preferred this petitions to condone the delay in filing petition to set aside the order of abatement and to set aside the abatement order and to permit the petitioner to implead the legal heirs of deceased 1st defendant and since this is suit for partition, the impleading legal heirs are necessary to proceed the main case and hence the above said Petitions may be allowed.

4. The Learned Counsel for the 4 to 6 respondents has placed his submission that the petitioner has to prove the contention raised in this affidavit and there is no document filed to show her illness of the petitioner as mentioned in this petition affidavit. There is no merits in this application, since the suit for partition is proceeded between the family members and hence the reason for non reporting the death of the 1st defendant in the main suit is not at all entertainable and this attitude of the petitioner is only to harass the respondents and to prolong the main case without having merits and hence these applications have to be dismissed with cost of this respondents.

5. Both side heard. Case. Records Perused. This is suit for partition claiming right over the property and to allot 1/3 share in the suit properties to the Petitioner, filed by the Petitioner against her father and sister as 1 and 2nd defendants in the main suit.

6. During the pendency of the suit, the 1st defendant being the father of the Petitioner and 2nd respondent herein, is dead and it is not reported by either side under Order 22 Rule 10A CPC. It is further admitted that the Petitioner and 2nd respondent who are the legal heirs of the deceased 1st respondent and the remaining legal heir of his wife is also necessary party to implead in the main suit.

7. Since the legal heirs of the deceased 1st respondent are already on record, the suit is not abated and the remaining legal heir is yet to be impleaded and hence this delay in filing Petition to implead legal heirs are condoned and this Petition is deserved to be allowed.

In the result, this Petition is allowed. No cost. The order of abatement is set aside.

Dictated to steno-typist, typed by her directly in computer, corrected and pronounced by me in open court on this the **26th** day of **August 2025**.

Sd./-Tmt.R.Mohana, B.L.,
SUB JUDGE
LALGUDI.

List of Documents

Petitioner side witness and document - Nil

Respondents side witness and document - Nil

Sd./-Tmt.R.Mohana, B.L.,
SUB JUDGE
LALGUDI.

/True copy/

Sub Court, Lalgudi

IA.No.20/2024 in OS.No.150/2020

Fair/ Draft Orders

Dated – 26.08.2025