

IN THE COURT OF SUBORDINATE JUDGE : LALGUDI

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

Subordinate Court, Lalgudi

Dated Wednesday, the 30th day April 2025

I.A No.4/ 2024 in OS.No.573/2018

(CNR.No.TNTP180015382018)

Saraswathi

.....Petitioner/plaintiff

- Vs -

1. Dhanathammal

2. Kanagambujam

3. Krishnamurthy

4. Shanmugam

5. S. Murugesan

6. Srinivasan

7. Vasantha

8. Renuga

9. Geetharanjani

10. Sujatha

11. Uma Maheswari

12. Nagarathinam

..Respondents/Defendants

13. Sureshkumar

14. Karthikeyan

15. Radika

....Respondents/proposed parties

This petition came up before this court for final hearing on 30.04.2025 in the presence of the Learned Counsels Thiru.L.Rengarajan- advocate for the petitioner and of

Thiru.K.Kannusamy- advocate for the 1 to 3 respondents and of Thiru.J.Senthilkumar advocate for 4, 5, 9 respondents and of Thiru.P.R.Namasivayam advocate for the 11th respondent and 6 to 8, 10, 12 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 Petitioners have filed this Petition Under Order 22 Rule 9 of CPC, to set aside the order of abatement in filing the impleading petition for deceased 2nd Plaintiff.

2. The Learned Counsel for the Petitioners argued that due to the reason of affecting severe viral fever, and it took months to get recover, the Petitioner was not able to contact her Counsel and hence the suit got abated against the deceased 2nd Plaintiff and the legal heirs of the deceased 2nd Plaintiff are not in the position to join with the present Petitioner/Plaintiff and hence they may be permitted to implead as the defendants in the main suit and the legal heirs are all necessary parties to decide the issue involved in the subject matter of the suit and hence this Petition may be allowed.

3. The Learned Counsel for the respondents /defendants argued that the Petitioner herein as the 1st Plaintiff, in a suit in O.S No. 67/2000 on the file of the Court of the Additional District Munsif, Lalgudi, took steps to implead Legal heirs of the same Panchatcharam who is happened to be the 3rd Plaintiff in the said suit in O.S No 67/2000 in time but, the Petitioner herein has falsely mentioned as she got severe viral fever and not able to contact her counsel and hence the Petitioner who is not entitled to the relief sought in this Petition and this Petition may be dismissed.

4. Both side heard. Case Records Perused. This is suit for Scheme Decree by framing scheme for proper administration and performance of the Annadhana Private Dharmam as per the trust deed dated 01.05.1957 executed by Poovayee Ammal on rotation basis among her legal heirs who are all the parties to the suit.

5. The Prayer is itself expressed that the subject matter of the suit is involved with all the legal heirs of the parties and the effective adjudication can be decided only after impleading all the parties to the suit and their legal heirs.

6. The served copy of the impleading petition filed in OS No 67/2000 is not filed along with counter as mentioned in the Counter by the 3rd respondent herein. It is not evident to show that already the legal heirs of the 2nd plaintiff were impleaded in another suit in OS No 67/2000 on the file of Additional District Munsif Court, Lalgudi.

7. It is not denied by the respondents that the proposed parties are not the legal heirs of the Parties to the deceased 2nd Plaintiff. Considering the affidavit averments and the Petitioner who is being the senior citizen, has proceeding the case for more than 10 years, the opportunity may be given to the petitioner to proceed the case without any delay.

8. The Legal heirs of the deceased 2nd Plaintiff are necessary parties to the suit subject matter and for its effective adjudication. Hence, this Petition may 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 **30th** day of **April 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.4/2024 in OS.No.573/2018

Fair/ Draft Orders

Dated – 30.04.2025