

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,  
District Munsif, Ponneri.

Wednesday, the 04<sup>th</sup> day of February 2026.

INTERLOCUTORY APPLICATION NO.9 OF 2025

IN

ORIGINAL SUIT NO.4 OF 2013

1. P.Kumar
2. P.Kannan
3. K.Krishnamurthy
4. Ravi
5. Panneer
6. G.Baskar
7. G.Govindharaj
8. G.Duraibabu
9. G.Nanthini
10. Jeyanthi

..... Petitioners/Plaintiffs

Versus

1. Padmavathi
2. S.Thirumalai
3. S.Santhanam
4. S.Kanniyan
5. S.Vijayalaksmi
6. Rajesh Kanna
7. S.Sushila
8. S.R.Mohan Naidu
9. U.Hemalatha
10. Bharathy Mohan
11. Jayakumar

..... Respondents/ Defendants

This petition came on 29.01.2026 for final hearing before me in the presence of Mr.T.Kumar, Learned counsel appearing for the petitioners/plaintiffs and Mr.N.R.Rangarajan, Learned counsel appearing for the Respondents 9 to 11. The respondents 1 to 5, 7 and 8 were set exparte in this petition. Upon hearing both sides, after perusing the material case records and having stood over for consideration till this day, this Court delivers the following:

## ORDER

1. This petition is filed under Order 22 Rule 4 Section 151 of CPC to implead the the legal heirs of the deceased 8<sup>th</sup> defendant namely Mohan Naidu in the above suit in OS.No.4 of 2013.

### **2. Brief averments of the affidavit filed by the petitioners/plaintiffs are as follows:**

The petitioners herein are the plaintiffs in the above suit filed for the relief of partition. Pending suit, the 8<sup>th</sup> defendant, namely S.R. Mohan Naidu, died on 12.09.2025, and a memo to that effect was filed by his counsel on the same date and duly recorded by this Hon'ble Court. On 09.10.2025, another memo was filed by the counsel for the 8<sup>th</sup> defendant furnishing the details of the legal heirs of the deceased Mohan Naidu. In terms of the said memo, the petitioners are filing the present impleading petition to implead the legal heirs of the deceased Mohan Naidu as per the particulars provided by his counsel on 09.10.2025. Since the suit is one for partition of the suit schedule property, it is just and necessary to implead the legal heirs of the deceased 8<sup>th</sup> defendant in the above suit. The impleading petition is filed within time from the date of the memo filed by the counsel for the other side. Further, one of the legal heirs, namely Hemalatha, is already on record, and it is just and necessary to implead the remaining legal heirs of the deceased Mohan Naidu. Hence, the petition.

### **3. Brief averments of the counter filed by the respondents 10 to 11 are as follows:**

The respondents are the defendants in the suit. With the consent and full approval of these respondents, who are his wife and son, Mohan Naidu executed a registered settlement deed in favour of the 9<sup>th</sup> defendant on 06.04.2010, which was registered as Document No.2367/2010 in the office of the Sub-Registrar, Ponneri. The settlee, namely the 9<sup>th</sup> defendant, duly accepted the said settlement deed and took possession of all the properties covered thereunder. Ever since the execution of the settlement deed dated 06.04.2010 in her favour, the 9<sup>th</sup> defendant, U.Hemalatha, has been the

absolute owner in exclusive possession and enjoyment of all the properties covered under the said settlement deed, of which the suit properties form a part. As such, the 9th defendant is the exclusive owner in possession of the suit properties, and the proposed legal representatives have no right, title, or interest in the suit properties. Therefore, it is prayed that the present petition be dismissed.

4. **Evidence:**

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

5. **Point for determination :**

Whether this petition can be allowed or not?

6. **Discussion and finds:**

This Court has carefully considered the rival submissions and the material available on record. It is evident that the death of the 8th defendant was brought to the notice of the Court by his counsel on 12.09.2025. Thereafter, the details of the legal heirs were also furnished by way of a memo dated 09.10.2025. The suit is one for partition, wherein the rights and shares of all parties are to be adjudicated comprehensively. In such a suit, the presence of all necessary and proper parties is essential for an effective and complete determination of the issues involved. Non-impleadment of the legal heirs of a deceased party would result in incomplete adjudication and may give rise to multiplicity of proceedings. It is well settled that procedural laws are intended to advance the cause of justice and not to defeat it on technical grounds. Considering the nature of the suit, the stage of the proceedings, and the necessity to ensure proper representation of the estate of the deceased 8th defendant, this Court is of the view that allowing the impleading petition would sub-serve the ends of justice. In view of the above facts and circumstances, and in the

interest of fair and complete adjudication, this Court is inclined to allow the present petition. Accordingly, the legal heirs of the deceased 8th defendant are permitted to be impleaded as parties to the suit. No prejudice would be caused to the respondents by such impleadment, whereas refusal to do so would result in grave injustice. Accordingly, the petition stands allowed.

7. **Result:**

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

Dictated to Stenographer, directly typed by her in the computer, printed, corrected and pronounced by me in open court on this the 04<sup>th</sup> day of February 2026.

**DISTRICT MUNSIF  
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF  
PONNERI**

Fair/ Draft Order  
I.A.No.9/2025  
O.S.No.4/2013  
Date:04.02.2026  
DMC,PNI.