

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

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

Wednesday, the 30th day of July 2025.

INTERLOCUTORY APPLICATION NO.14 OF 2024

IN

ORIGINAL SUIT NO.46 OF 2018

Komala

..... Petitioner/Plaintiff

Versus

1. S.Raghu
2. Ponniammal (died)
3. Krishtammal @ Krishnammal (died)
4. Venkatesan Respondents 1 and 2/Defendants 1 and 4
5. Athilakshmi
6. Praba
7. Gopi
8. Dharani Respondents/Proposed Defendants 5 to 8

This petition came on 19.07.2025 for final hearing before me in the presence of Mr.R.Krishnaswamy, Learned counsel appearing for the petitioner and Mr.E.Prabu, Learned counsel appearing for the Respondents. 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 Read with Section 151 of CPC to pass an order thereby recognizing the 1st defendant in the above suit as one of the legal representative of the deceased 2nd defendant and also to implead the other legal representatives of the deceased 2nd defendant in the above case, whose particulars are furnished in the petition filed here with, also as parties to the suit, that is as defendants 5 to 8 in the suit.

2. Brief averments of the affidavit filed by the petitioner are as follows:

The petitioner herein and the plaintiff in the above suit. The above suit against the defendants 1 to 3 for the relief of declaration of her right and title to the suit properties and also for consequential injunction. The 3rd defendant in the case was already dead and her legal heir has already been impleaded as the 4th defendant. While so, pending the suit, even the 2nd defendant in the case namely, Ponniammal was reported to be dead and a memo was also filed in court informing the fact that the 2nd defendant died on 18.12.2023 and her legal heirs particulars was also furnished. One of the son of the 2nd defendant is already on record in the above suit as the 1st defendant. The application is filed not only to recognize the 1st defendant in the above suit as one of the legal representative of the deceased 2nd defendant but also to implead the other legal representatives of the deceased 2nd defendant in the above suit also as parties to the above suit that is as defendants 5 to 8 in the above case. If this application is not allowed, she will be put to much hardship and inconvenience. Hence the petition.

3. Brief averments of the counter filed by the respondents are as follows:

The 1st respondent/1st defendant in the above suit. The petitioner herein filed the above suit for declaration and for permanent injunction. The plaintiff well aware of the legal heirs of late Ponniammal namely himself and the respondents 5 to 8 even prior to filing of the suit and there were not made as parties to the suit. Even in our written statement we had specifically pleaded that the suit itself is not maintainable for non joinder of necessary parties as the respondents 5 to 8 who are the respondent brother and sisters and legal heirs of late Ponniammal were not arrayed as parties to the suit. The petitioner did not chosen to take necessary steps to implead the respondents 5 to 8 herein as defendants to the suit and only after the death of our mother Ponniammal the petitioner filed the above petition to implead the other legal heirs of late Ponniammal at this stage is not maintainable and liable to be dismissed.

4. **Evidence:**

Neither the petitioners nor the respondent 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:**

6.1. Heard both sides arguments. Records Perused. The petitioner filed a suit for declaration of her right and title to the suit properties, along with consequential injunction, against defendants 1 to 3. During the pendency of the application, the 2nd respondent, Ponniammal, was passed away on 18.12.2023. One of her legal heirs, her son, is already on record as the 1st defendant. This application seeks to recognize the son as a legal representative and to implead the other legal heirs of the deceased 2nd respondent as respondents 5 to 8/defendants 5 to 8 in the suit. However, the respondent argues that the petition is not maintainable. The plaintiff was aware of the legal heirs of the late Ponniammal even before filing the suit and failed to include them as parties. This omission has been specifically pleaded in the written statement, citing non-joinder of necessary parties, namely respondents 5 to 8/defendants 5 to 8, who are the brothers and sisters of Ponniammal.

6.2. Hence, this Court finds that, considering the age of the suit and speedy disposal, and in order to prevent the multiplicity of proceedings, the impleadment of the legal heirs of the deceased defendants is not only necessary but also crucial for the effectual adjudication. Allowing this petition will ensure that all legal heirs are adequately represented, thereby upholding the principles of justice. In view of these considerations, in the interests of justice, this court is inclined to allow this petition.

7. **Result:**

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

Dictated to Stenographer, transcriber by her in the computer, printed, corrected and Pronounced by me in open court on this the 30th day of July 2025.

**DISTRICT MUNSIF
PONNERI**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF
PONNERI**

Fair/ Draft Order
I.A.No.14/2024
O.S.No.46/2018
Date:30.07.2024
DMC,PNI.