

**IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.**

**PRESENT: Tmt. V. Vannamalar, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,  
District Munsif, Ponneri.**

Saturday, the 6<sup>th</sup> day of April 2024

**IA.No.3 of 2022**

In

**O.S.No.223 of 2016**

1. Kollapuri (died)
2. Vithala
3. Jaya ..... Petitioners/Plaintiffs
4. Muthulakshmi
5. Ranjini
6. Ramamoorthy
7. Deepa
8. Vatchala
9. Baby
- 10.Savithiri
11. Prabu
- 12.Jagadeesh @ Murugan ..... Petitioners/Proposed 4 to 12 plaintiffs

Versus

1. Rajagopal (died)
2. Mani
3. Suriyakumar ..... Respondents/Defendants

This petition came up for hearing on 06.04.2024, in the presence of Mr.R.Suresh Kumar, learned counsel for the Petitioners and Mr.G.Nanthagopal, learned counsel for the Respondents 2 and 3. Upon hearing the arguments made by the learned counsels for the petitioners and the respondents 2 and 3 and on perusal of the material case records, having stood over for consideration till this day, this Court delivers the following:

## **ORDER**

1. This petition is filed under Order 22 Rule 3 of CPC to implead the legal heirs of the deceased 1<sup>st</sup> plaintiff as detailed in the petition.

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

The 3rd petitioner, who is the 3rd plaintiff in the above suit files this affidavit on her behalf and on behalf of the other plaintiffs. She submits that the plaintiffs have filed this suit for a relief of permanent injunction as against the respondents/ defendants. While pending suit, the 1st plaintiff namely, Kollapuri died on 14.02.2021 leaving behind her, the 4 to 12 petitioners/proposed plaintiffs as her only legal heirs and there are no other legal heirs. Hence this application is filed to implead the legal heirs of the deceased 1<sup>st</sup> plaintiff.

### **3. Brief averments of the counter filed by the 3rd respondent and adopted by the second respondent are as follows:**

The 3rd Respondent submits that the petitioners have not submitted any documents like Death Certificate, legal heirship certificate or any other ID proofs in order to prove that the proposed petitioners are the legal heirs of the deceased 1<sup>st</sup> petitioner. The plaintiffs have created invalid instrument in respect of the suit property colluding with land grabbers without any right, title or interest. Based on the invalid instruments the plaintiffs are trying to grab the suit property from the hands of the defendants. Hence this petition is liable to be dismissed with exemplary costs.

4. On the side of the petitioners and respondents no oral or documentary evidence was placed before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not?

5. Heard both sides arguments.

6. Upon careful analysis of the material case records and on considering the arguments, this court finds that this petition has been filed to implead the legal heirs of the deceased 1<sup>st</sup> petitioner / 1<sup>st</sup> plaintiff in the suit. The petitioner is the plaintiff in the suit and the suit has been filed for a relief of Permanent Injunction as against the defendants. Taking into account of all the averments and contentions of the petitioners and the respondents in this regard and considering the nature of the relief sought for in the suit, and the fact that the respondents have not denied the death of the 1<sup>st</sup> plaintiff and her relationship with the proposed plaintiffs 4 to 12, this court views that the proposed plaintiffs 4 to 12 as the legal heirs of the deceased 1<sup>st</sup> plaintiff are necessary parties to the suit for effectual and complete settlement of issues in the suit and to avoid multiplicity of proceedings. Hence, this court is inclined to allow this petition. To compensate the delay caused to respondents in filing this petition, this petition is allowed on terms.

7. In the result, this petition is allowed subject to payment of costs of Rs.500/- payable by petitioners to Respondents on or before 23.04.2024. Call on 04.06.2024 for reporting compliance.

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 06<sup>th</sup> day of April 2024.

**Sd/-V. VANNAMALAR  
DISTRICT MUNSIF  
PONNERI**

Both side Witnesses and Exhibits: Nil

**Sd/-V. VANNAMALAR,  
DISTRICT MUNSIF  
PONNERI**

Fair/ Draft Order  
I.A.No.3/2022  
O.S.No.223/2016  
Date:06.04.2024  
DMC,PNI.