

IN THE COURT OF THE DISTRICT MUNSIF, TIRUTTANI

**Present : Tmt. R.D. Gurulakshmi, M.A., M.L., P.G.D.I & C.L.,
District Munsif, Tiruttani.**

Dated the Monday of 25th Day of August 2025

IA.No.9 OF 2025 IN OS.No.28 OF 2020

(CNR.No.TNTR21-000037-2020)

...

1. Padmanaba Naidu (died)

2. Suresh Babu Rep. By

Power of Attorney C.G. Mohan

... 1,2 Petitioners/1,2 Plaintiffs

3. Rajeswari

4. P. Rajesh Kumar

5. Sree Devi

6. P. Ravi Kumar

... 3 to 6 Petitioners/ 3 to 6 Proposed Plaintiffs

/Versus/

1. M.S. Manikandan

2. Kanniammal

3. K. Jayanthi

4. Narasimhan

5. Latha

6. Amudha

7. The District Registrar, Kancheepuram

8. The Sub-Registrar, Tiruttani

... Respondents/Defendants

This petition came up before me for the final hearing on today in the presence of M/s. P.C. Santhya Rani, B. Chandrean, S. Swarnalatha, M. Lavanya, D.M.V. Prabhu, G.M. Vijayalakshmi, Advocates for Petitioners/Plaintiffs, P1 died, M/s. R. Rangarajan, D. Gunasekar, Advocates for 1, 2 Respondents/defendants, 3 to 6 Respondents/defendants were exparty in suit, M/s. Government Pleader for 7, 8 Respondents/defendants, R7, R8 endrosed as no counter. Upon hearing both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

The petition is filed by the petitioner under Section 5 of Limitation Act to condone delay of 727 days in filing legal heir petition under order 22 rule 9 of CPC.

1. **Petition averments in brief:-**

(a) The schedule of property is situated in Amirthapuram village accounts in S.No.45/9 to an extent of 0.06 cents and the total extent is 0.12 cents. The property is originally owned and possessed by one Krishna Pillai and he executed a Registered settlement deed in favour of one Thayamma dated 05.03.1953. Thus the deed also acted upon. The said Thayamma in turn written a Registered Will in 1975 in favour of her brothers daughter Sarojammal bequeathing the property to her S.No.45/6 an extent of 0.06 cents and retained remaining 0.06 cents. The Sorajammal sold to one Balaiah under registered sale deed dated 30.05.2002. The said Balaiah, Subashini and Suguna sold to the petitioner's father padmanaba Naidu and Suresh Babu through a registered sale deed dated 04.04.2004. The said Balaiah sold only 0.06 cents.

(b) The said Padmanaba Naidu and Suresh Babu executed a power deed to one Mohan under document No.806/2008 dated 30.10.2008 to an extent of 0.06 cents. When the Power holder Mohan tried to sell the suit property to 3rd parties, he applied for EC, he came to know that one Laithamma executed a registered Settlement deed in favour of K. Jayanthi in the year 1999 and one Kanniammal executed a settlement deed in favour of Manikandan in the year 2019 including the suit property as 0.12cents instead of 0.06 cents. The Power holder Mohan filed the above suit to declare the settlement deeds 191/2019 and 1441/1999 to cancel the documents ad permanent injunction against the defendants.

(c) The Padmanaba naidu died on 13.10.2022 leaving being his legal heirs to succeed his estate. Hence the petitioners filed application to implead the 3 to 6 petitioners as 3 to 6 proposed plaintiffs. Hence there is delay of 727 days in filing legal heirs petition under order 22 rule 9 of CPC. Therefore the petitioners filed this petition.

2. **Counter filed on behalf of the 1, 2 Respondents in brief:-**

This petition is not maintainable either in law or on facts. The petition is full of self-contradiction ad filled with inconsistency. The 1st plaintiff was died on 13.10.2022 but the same brought to the knowledge of this court on 25.03.2025.

Therefore there was a unusual delay of $895 - 150 = 745$ days in preferring petition to bring the Legalheirs on record. But no valid reason has been assigned to justify the same. Since no reasons was explained with supportive evidence, the petition to condone the delay of 745 days in set aside the abatement and to bring the Legalheirs on the record are lacks merits and hence the same is to be dismissed in limine.

3. Point for determination:-

Whether the petitioners are entitled to the relief as prayed for? or not?

4. Heard both sides. According to the petitioner, 1st plaintiff died on 13.10.2022 leaving behind his legal heirs to succeed his estate. Hence the petitioners filed application to implead the 3 to 6 petitioners as 3 to 6 proposed plaintiffs. Hence there is delay of 727 days in filing legal heirs petition under order 22 rule 9 of CPC. Therefore petitioners pray to allow the petition.

5. The 1,2 Respondents resisted the petition by contending that no valid reason has been assigned to justify the petition. Since no reasons was explained with supportive evidence, the petition to condone the delay of 745 days in set aside the abatement and to bring the Legal heirs on the record are lacks merits. Hence, the respondents pray to dismiss the petition with costs.

6. This petition filed by the petitioner seeking permission to set aside the abatement in impleading the legal heir of the 1st plaintiff. There is a delay in 727 days in filing this petition, which was not properly explained by the petitioner. It is settled position of law that liberal approach has to be taken in cases of delay condonation if sufficient cause is shown and more particularly when the delay is less. In this case, there is a delay of 727 days in filing the petition. This court is of view that in the interest of justice, to prevent multiplicity of proceedings, to prove the petitioner an opportunity to prove their case on merits and for proper adjudication of the case, this petition has to be allowed on cost.

In the result, this petition is allowed on condition that the petitioners have to pay a cost of Rs.1000/- to the 1, 2 Respondents/1, 2 Defendants on or before 01.09.2025 failing which this petition stands dismissed. Call on 01.09.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 25th day of August 2025.

District Munsif,
Tiruttani.

Petitioners & Respondents side Exhibits and Witnesses :- Nil

District Munsif,
Tiruttani.