

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 13th Day of August 2024

I.A.No.3/2021 in OS.No.25/2018

CNR.No. TNTR21-000025-2018

...

1. A. Santhi
2. K. Vijayakumar (died)
3. K. Ramesh
4. Manjula
5. Vinothkumar
6. Prasanth

...1 to 3 petitioners /Plaintiffs 1 to 3

... 4 to 6 Petitioners/
Proposed plaintiffs 4 to 6

/Versus/

1. S. Karpagam
2. D. Sivagami
3. M. Kumari
4. K. Balasubramani

... Respondents / Defendants

This petition came up before me for the final hearing on 05.08.2024 in the presence of M/s. S. Suresh, Advocate for Petitioners, Respondents 1 to 3 / Defendants 1 to 3 were called absent & set exparty, M/s. R. Srinivasan, R. Rajeswara babu, Advocates for 4th Respondent/4th Defendant. 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 order 22 Rule 3 of CPC to add the proposed petitioner 4 to 6 as Legal heirs of deceased 2nd plaintiff.

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

The petitioners filed the suit against the respondents/ defendants for partition, separate possession and declaring the registered sale deeds were as null and void. While the suit is pending, the 2nd plaintiff namely K. Vijayakumar died on 07.11.2019 leaving behind the proposed plaintiffs as his legal heirs. Hence they have

to be added as legal heirs of deceased K. Vijayakumar for final adjudication, as otherwise the petitioner will be put to loss and damages. Hence, this petition filed.

2. **Counter filed on behalf of the 4th respondent in brief:-**

This petition is not maintainable either in law or on facts. The petition is highly belated. The petitioners have not come to the court with clean hands. The petitioner intention is only to dragging on the proceedings. Hence, prays to dismiss the petition.

3. **Point for determination:-**

Whether the petitioner is entitled to the relief as sought for? or not?

4. Heard both side. According to the petitioner, while the suit is pending, the 2nd plaintiff namely K. Vijayakumar died on 07.11.2019 leaving behind the proposed plaintiffs as his legal heirs, hence they have to be added as necessary parties to the suit. Therefore petitioner prays to allow the petition.

5. Respondent resisted the petition by contending that the petition is highly belated. The petitioners have not come to the court with clean hands. The petitioner intention is only to dragging on the proceedings. Hence, prays to dismiss the petition.

6. Already condone delay petition, set aside the abatement petition were allowed and this petition is formal and consequential one. The suit was filed in the year 2018 and was pending for more than 6 years. This court is of view that, in the interest of justice to prevent multiplicity of proceedings and to provide petitioner an opportunity to prove their case, as the proposed parties are necessary for proper adjudication of this case and the age of this suit, hence, this petition has to be allowed.

In the result, this petition is allowed. No order as to costs.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 13th day of August 2024.

District Munsif,
Tiruttani.

Petitioners side Exhibits and Witnesses :- Nil

Respondents side Exhibits and Witnesses :- Nil

District Munsif,
Tiruttani.