

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 Wednesday of 29th Day of January 2025

I.A.No.5/2024 in OS.No.61/2012

(CNR.No.TNTR21-000057-2012)

...

1. Selvaraj

2. John

... Petitioners/Plaintiffs

/Versus/

1. Jeeva (died)

2. Reeta

3. Yoburaj

4. Chandra (died)

5. Kasturi

6. Sigamani (died)

7. Jayachandran

8. Marriammal (died)

9. Selvi

10. Naleena

11. Vinoth

12. Rajalakshmi

13. Keniyammal (died)

14. Lakshmi

... Respondents/Defendants

This petition came up before me for the final hearing on 22.01.2025 in the presence of M/s. V. Subramani, Advocate for Petitioners/Plaintiffs, R1, R4, R6, R8, R13 were died, M/s. C.A. Natarajan, Advocate for 7th Respondent/7th Defendant, R2, R3, R5, R9 to R12, R14 were called absent, set exparty. 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 4 (4) & Section 151 of CPC seeking exemption to include the legal heirs of deceased 4th defendant.

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

The 4th defendant in this suit remained exparty and died subsequently. Hence petitioners may be exempted from adding the legal heirs of deceased 4th defendant, who remained exparty in main suit. Otherwise the petitioners will be put

to heavy loss and damages. Therefore the petitioners filed this petition.

2. **Counter filed on behalf of the 7th respondent in brief:-**

This petition is not maintainable either in law or on facts. The allegations in paras 3 and 4 of the affidavit are all not fully correct and the petitioners put to strict proof of them. The legal heirs filed by the petition are not fully correct and the date of death also not correct without filing death and Legal heirs certificate. There is no bonafide merits in this petition. Hence the petition is liable to be dismissed in limini.

4. **Point for determination:-**

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

5. Heard both side. According to the petitioner, the 4th defendant remained exparty in this suit and died subsequently. The petitioners filed this petition seeking exemption from impleading the legal heirs of deceased 4th defendant. Hence the petitioners prays to allow the petition. The 7th Respondent resisted the petition by contending that there is no bonafide merits in this petition. Hence, he prays to dismiss the petition.

6. This petition is filed seeking permission to exempt in impleading the legal heirs of deceased 4th defendant, who remained exparty before her death. This Court is of view that as per order 22 Rule 4 (4) of CPC the plaintiff may exempt in impleading the deceased parties who were exparty in main suit. Hence, in the interest of justice, for proper adjudication of the case this petition has to be allowed.

In the result, this petition allowed. No cost.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 29th day of January 2025.

Sd/-R.D. Gurulakshmi
29.01.2025
District Munsif,
Tiruttani.

Petitioners & Respondents side Exhibits and Witnesses :- Nil

Sd/-R.D. Gurulakshmi
29.01.2025
District Munsif,
Tiruttani.