

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 19th Day of March 2025

I.A.No.2/2025 in OS.No.53/2015

(CNR.No.TNTR21-000063-2015)

...

1. Govindaraj (died)
2. Bujangan (died)
3. Kamatchi
4. D. Mani ... 1 to 4 Petitioners/ 1 to 4 Plaintiffs
5. G. Ellammal
6. G. Venkatesan
7. Vengattammal
8. Rajakumari
- 9.G.Udhyakumar ... 5 to 9 Petitioners/Proposed Plaintiffs

/Versus/

1. The District Collector, Tiruvallur District
2. The Revenue Divisional Officer, Tiruttani
3. The Tahsildar, Tiruttani
4. The Special Tahsildar(ADW), Tiruttani
5. The Village Administrative Officer,
Murukampattur village ... Respondents/ Defendants

This petition came up before me for the final hearing on 05.03.2025 in the presence of M/s. V.Venkatesan, N. Balaji. P.Pichaimani, Advocates for Petitioners/ Plaintiffs, P1, P2 were died, M/s. Government Pleader for Respondents/ defendants. 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 9 of CPC to set aside the abatement against the 1st plaintiff.

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

The 2nd plaintiff died on 10.11.2015 by oversight and due to inadvertence the 1st deceased plaintiff who was in contact with the counsel has not

informed the 2nd petitioner's death. There are no steps for the deceased 2nd plaintiff. The 1st plaintiff died on 08.11.2023 leaving behind his estate including the suit property to the proposed legalheirs 5 to 9 petitioners. Hence the petitioner filed this petition to set aside the abatement against the 1st plaintiff. Hence, this petition filed.

2. **Counter filed on behalf of the respondents in brief:-**

This petition is not maintainable either in law or on facts. This petition is filed only to drag on the proceedings. This petition filed by the petitioner for condonation of delay in impleading the legalheirs of 1st petitioner is not acceptance. The petitioners filed this petition only want to put the respondents on struggle. Hence, the petition has liable to be dismissed with cost.

3. **Point for determination:-**

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

4. Heard both side. According to the petitioners, the 1st petitioner died on 08.11.2023 leaving behind his estate including the suit property to the legalheirs as 5 to 9 petitioners. Therefore petitioners pray to allow the petition. Respondents resisted the petition by contending that the petition is filed only to drag on the proceedings and the petitioners wants to put the respondents on struggle. Hence, the respondents pray to dismiss the petition with costs.

5. This petition filed to set aside the abatement in impleading the legalheirs of deceased 1st plaintiff. This Court is of view that the proposed parties are the proper and necessities parties to the suit and they have to be impleaded for proper adjudication of the case. In this case, there is a delay of 240 days in filing the petition. This court is of view that in the interest of justice, to prevent multiplicity of proceedings, to prove the petitioners an opportunity to prove their case on merits and for proper adjudication of the case, this petition has to be allowed on terms.

In the result, this petition is allowed on condition that the petitioner has to pay a cost of Rs.1000/- to the Hon'ble District Legal Service Authority on or before 26.03.2025 failing which this petition stands dismissed. Call on 27.03.2025.

Dictated to my Steno – Typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 19th day of March 2025.

District Munsif,
Tiruttani.

Petitioners & Respondents side Exhibits and Witnesses :- Nil

District Munsif,
Tiruttani.