

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.4/2025 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 2 of CPC to record the death of 1st petitioner and permit the other surviving petitioners to proceed the above case.

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

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

informed the 2nd petitioner's death. The 1st petitioner died on 08.11.2023. There are no steps for the deceased 2nd petitioner. In respect of the deceased 2nd petitioner there is no necessity to impleading the legalheirs of the 2nd petitioner. Since the 2nd petitioner was died and the same is to be recorded in the above suit. Therefore the petitioner filed this petition to proceed the above case with the surviving petitioners in the above case.

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, by oversight and due to inadvertence 1st deceased petitioner who was not informed the 2nd petitioner's death. The 2nd petitioner died on 10.11.2015. In respect of the deceased 2nd petitioner there is no necessity to impleading the legalheirs of the 2nd petitioner. Therefore the 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. The petitioners alleged that the 2nd petitioner died on 10.11.2015. In respect of the deceased 2nd petitioner there is no necessity to impleading the legalheirs of the 2nd petitioner. Even though the petitioner filed this petition with the delay of 10 years. No single reasons explained for the 10 years delay. Further petitioner proceeded this case by suppressing the death of 2nd petitioner for a period of 10 years. Considering the fact and circumstances, this Court is of view that 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.